

EXHIBIT B44

Robert Kurman, M.D.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW JERSEY

IN RE JOHNSON & JOHNSON :
TALCUM POWDER PRODUCTS :
MARKETING, SALES PRACTICES, AND :
PRODUCTS LIABILITY LITIGATION :
: NO. 16-2738
: (FLW) (LHG)
THIS DOCUMENT RELATES TO :
ALL CASES :

- - -

APRIL 2, 2019

- - -

Videotaped deposition of ROBERT KURMAN, M.D.
held in the offices of Duane Morris, LLP, 100 North City
Parkway, Suite 1560, Las Vegas, Nevada, commencing at
9:26 A.M., on the above date before Pamela Cotten, CSR,
RDR, Certified Realtime Reporter, Certificate No. 4497.

- - -

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<p>1 APPEARANCES:</p> <p>2</p> <p>3 For the Plaintiffs:</p> <p>4 BEASLEY ALLEN LAW FIRM</p> <p>5 BY: DAVID DEARING, ESQ.</p> <p>6 218 Commerce Street</p> <p>7 Montgomery, Alabama 36104</p> <p>8 (334) 269-2343</p> <p>9 david.dearing@beasleyallen.com</p> <p>10</p> <p>11 ROBINSON CALCAGNIE, INC.</p> <p>12 BY: CYNTHIA L. GARBER, ESQ.</p> <p>13 19 Corporate Plaza Drive</p> <p>14 Newport Beach, California 92660</p> <p>15 (949) 720-1288</p> <p>16 Fax - (949) 720-1292</p> <p>17 cgarber@robinsonfirm.com</p> <p>18</p> <p>19 HAUSFELD</p> <p>20 BY: STEVEN B. ROTMAN, ESQ.</p> <p>21 One Marina Park Drive, Suite 1410</p> <p>22 Boston, Massachusetts 02210</p> <p>23 (617) 207-0600</p> <p>24 srotman@hausfeld.com</p> <p>25</p> <p>For the Defendants Johnson & Johnson Entities:</p> <p>SHOOK, HARDY & BACON, LLP</p> <p>BY: HUNTER AHERN, ESQ.</p> <p>600 Travis Street, Suite 3400</p> <p>Houston, Texas 77002</p> <p>(713) 227-8008</p> <p>hahern@shb.com</p> <p>DRINKER, BIDDLE & REATH, LLP</p> <p>BY: KATHERINE McBETH, ESQ.</p> <p>One Logan Square, Suite 2000</p> <p>Philadelphia, Pennsylvania 19103-6996</p> <p>(215) 988-2706</p> <p>katherine.mcbeth@dbb.com</p>	<p>1 INDEX</p> <p>2</p> <p>3 Witness: ROBERT KURMAN, M.D.</p> <p>4 Examination: Page</p> <p>5 BY MR. DEARING ----- 8, 325</p> <p>6 BY MS. AHERN ----- 322</p> <p>7</p> <p>8</p> <p>9</p> <p>10 EXHIBITS</p> <p>11 Deposition Description Page</p> <p>12 Exhibit 1 Expert Report of Robert J. 10</p> <p>13 Kurman, M.D., for General</p> <p>14 Exhibit 2 Defendants' Response to 11</p> <p>15 Plaintiffs' Document</p> <p>16 Requests Contained in Notice</p> <p>17 of Oral and Videotaped</p> <p>18 Deposition of Robert</p> <p>19 Kurman, M.D., and Duces</p> <p>20 Tecum</p> <p>21 Exhibit 3 IARC's Mission Statement 75</p> <p>22 Exhibit 4 Document Titled "Special 78</p> <p>23 Report: Policy, A Review of</p> <p>24 Human Carcinogens - Part C:</p> <p>25 Metals, Arsenic, Dusts, and</p> <p>Fibres"</p> <p>Exhibit 5 Excerpts from IARC Monograph 102</p> <p>"Arsenics, Metal, Fibres,</p> <p>and Dusts," Volume 100C</p>
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<p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 For the Defendant PTI Royston LLC and PTI Union LLC:</p> <p>4 TUCKER ELLIS LLP</p> <p>5 BY: MICHAEL C. ZELLERS, ESQ.</p> <p>6 42nd Floor</p> <p>7 515 South Flower Street</p> <p>8 Los Angeles, California 90071-2223</p> <p>9 (213) 430-3400</p> <p>10 michael.zellers@tuckerellis.com</p> <p>11 TUCKER ELLIS LLP</p> <p>12 BY: MICHAEL ANDERTON, ESQ.</p> <p>13 950 Main Avenue, Suite 1100</p> <p>14 Cleveland, Ohio 44113-7213</p> <p>15 (216) 592-5000</p> <p>16 michael.anderton@tuckerellis.com</p> <p>17</p> <p>18 For Personal Care Products:</p> <p>19 SEYFARTH SHAW LLP</p> <p>20 BY: JAMES R. BILLINGS-KANG, ESQ.</p> <p>21 975 F Street, N.W.</p> <p>22 Washington, D.C. 20004-1454</p> <p>23 (202) 463-2400</p> <p>24 jbillingskang@seyfarth.com</p> <p>25</p> <p>ALSO PRESENT:</p> <p>DARNELL BROWN, Videographer</p>	<p>1 EXHIBITS</p> <p>2 (Continued)</p> <p>3 Deposition Description Page</p> <p>4 Exhibit 6 Article Titled "Correlative 190</p> <p>5 Polarizing Light and</p> <p>6 Scanning Electron Microscopy</p> <p>7 for the Assessment of Talc</p> <p>8 in Pelvic Region Lymph</p> <p>9 Nodes" by Sandra A.</p> <p>10 McDonald, et al.</p> <p>11 Exhibit 7 Photocopy of Chapter 27, 216</p> <p>12 Epidemiology, Page 1301</p> <p>13</p> <p>14 Exhibit 8 Article Titled 241</p> <p>15 "Histopathologic Review of</p> <p>16 Granulomatous Inflammation"</p> <p>17 by Kabeer K. Shah, et al.</p> <p>18 Exhibit 9 Excerpts from Blaustein's 255</p> <p>19 Pathology of the Female</p> <p>20 Genital Tract, Fourth</p> <p>21 Edition, Pages 376, 539,</p> <p>22 540, 648, 1216, 127, & 1218</p> <p>23 Exhibit 10 Letter to the Editor Titled 264</p> <p>24 "Talc Should Not be Used for</p> <p>25 Pleurodesis in Patients with</p> <p>Nonmalignant Pleural</p> <p>Effusions" by Andrew J.</p> <p>Ghio, et al.</p> <p>Exhibit 11 Article Titled "Molecular 269</p> <p>Bias Supporting the</p> <p>Association of Talcum Powder</p> <p>Use with Increased Risk of</p> <p>Ovarian Cancer" by Nicole M.</p> <p>Fletcher, PhD, et al.</p> <p>Exhibit 12 Article Titled "On Talc 279</p> <p>Translocation from the</p> <p>Vagina to the Oviducts and</p> <p>Beyond" by A.P. Wehner, et</p> <p>al.</p>

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<p>1 EXHIBITS 2 (Continued) 3 Deposition Description Page 4 Exhibit 13 Article Titled "The Lack of 283 5 an Ovarian Effect of 6 Lifetime Talc Exposure in 7 F344/N Rats and B6C3F1 Mice" 8 9 Exhibit 14 Article Titled "Systematic 321 10 Review and Meta-Analysis of 11 the Association Between 12 Perineal Use of Talc and 13 Risk of Ovarian Cancer" by 14 Mohamed Kadry Taher, et al. 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 MR. ZELLERS: Michael Zellers on behalf of the 2 Johnson & Johnson defendants. 3 MS. AHERN: Hunter Ahern on behalf of Johnson & 4 Johnson defendants. 5 VIDEO OPERATOR BROWN: The court reporter is Pam 6 Cotten, who will now swear in the witness. 7 8 ROBERT KURMAN, M.D., 9 called as a witness, and having been first duly sworn by 10 the Certified Shorthand Reporter, was examined and 11 testified as follows: 12 13 EXAMINATION 14 BY MR. DEARING: 15 Q Good morning, Doctor. 16 A Good morning. 17 Q We've met at least twice, I think. But I'm 18 David Dearing. I represent the plaintiffs in this 19 litigation, and I'm going to be asking you some 20 questions. 21 You've been produced as an expert by Johnson & 22 Johnson in this case. So, first of all, if you would, 23 state your name, please. 24 A Robert Kurman. 25 Q What did you do to prepare for this</p>
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<p>1 LAS VEGAS, NEVADA - TUESDAY, APRIL 2, 2019, 2 9:26 A.M. 3 VIDEO OPERATOR BROWN: Good morning. We are now on 4 the record. My name is Darnell Brown, and I'm the 5 videographer with Golkow Litigation Services. Today's 6 date is April 2nd, 2019, and the time is 9:26 A.M. 7 This video deposition is being held in 8 Las Vegas, Nevada, in the matter of In Re Talc for 9 United States District Court, Eastern District of New 10 Jersey. 11 The deponent is Dr. Robert Kurman. 12 Counsel, please identify yourselves for the 13 record. 14 MR. DEARING: David Dearing from Beasley Allen for 15 the plaintiffs. 16 MS. GARBER: Cynthia Garber, Robinson Calcagnie, 17 for the plaintiffs. 18 MR. ROTMAN: Steve Rotman, Hausfeld, for the 19 plaintiffs. 20 MR. BILLINGS-KANG: James Billings-Kang from 21 Seyfarth Shaw, Personal Care Products' counsel. 22 MR. ANDERTON: Michael Anderton, Tucker Ellis, for 23 PTI Royston and PTI Union. 24 MS. McBETH: Katherine McBeth, Drinker Biddle & 25 Reath, on behalf of the Johnson & Johnson defendants.</p>	<p>1 deposition? 2 A Well, you have to go back into my career. I 3 guess, in a way, I've been preparing for a long time, 4 so to speak. 5 I was a gynecologic pathologist for almost 6 40 years. And during the course of my career -- which 7 involves teaching and research and clinical care, 8 attending meetings, reviewing articles submitted to 9 journals -- I would be constantly reading the 10 literature in gynecologic pathology, which, of course, 11 included ovarian cancer. 12 Q Can I just cut you off. 13 What have you done in the last ten days to 14 prepare for this deposition? 15 A I've read over the defense -- the plaintiffs' 16 gynecologic pathology expert and gone over papers that 17 she's referred to. I've gone over my report and 18 perhaps googled a few things here and there. Oh, 19 PubMed, too. 20 Q Did you have meetings with Johnson & Johnson 21 lawyers in preparation for this deposition? 22 A I did. 23 Q How much time have you spent with the 24 Johnson & Johnson lawyers preparing for this 25 deposition?</p>

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<p>1 A I didn't keep track of the meetings per se --</p> <p>2 the time spent on the meetings per se.</p> <p>3 Q Can you estimate.</p> <p>4 A I hesitate not to estimate, since I'm under</p> <p>5 oath and I want to try to be as specific as possible.</p> <p>6 Q One of the advantages of being an expert is</p> <p>7 you're allowed to estimate. So can you give me a</p> <p>8 ballpark? Was it ten hours?</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: Maybe 15.</p> <p>11 BY MR. DEARING:</p> <p>12 Q Have you billed them for that time yet?</p> <p>13 A Some of it.</p> <p>14 (The document referenced below was</p> <p>15 marked Deposition Exhibit 1 for</p> <p>16 identification and is appended hereto.)</p> <p>17 BY MR. DEARING:</p> <p>18 Q I'm going to hand you a composite exhibit,</p> <p>19 which I've marked as Exhibit Number 1. And it is your</p> <p>20 report, your CV, and your reference list and the</p> <p>21 appendixes -- appendices with your report. So feel</p> <p>22 free to refer to that as much as you need to.</p> <p>23 I have copies for other people if anybody else</p> <p>24 wants a stack. I made six copies of everything. I</p> <p>25 hope we have enough.</p>	<p>1 BY MR. DEARING:</p> <p>2 Q It's okay if you haven't seen it; I just don't</p> <p>3 know.</p> <p>4 MR. DEARING: I'll just hand them to you, Cynthia,</p> <p>5 and you give them to anybody who wants it.</p> <p>6 MS. GARBER: I'll be your paralegal today.</p> <p>7 MR. DEARING: Thank you. Then we can trade if you</p> <p>8 want.</p> <p>9 THE WITNESS: No, I didn't see this.</p> <p>10 BY MR. DEARING:</p> <p>11 Q Okay. One of the things in this document that</p> <p>12 I just gave you, Exhibit 2, is a supplemental reference</p> <p>13 list, and it's the last four -- last three pages. It</p> <p>14 actually starts with page number 1 in the back of the</p> <p>15 document.</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q And at the very top, there's a list of</p> <p>19 reports.</p> <p>20 Do you see that list?</p> <p>21 A Yes.</p> <p>22 Q Those are all defense witnesses in this case,</p> <p>23 aren't they?</p> <p>24 A Yeah, it looks that way.</p> <p>25 Q Have you read all those reports?</p>
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<p>1 BY MR. DEARING:</p> <p>2 Q So have you had a chance to just glance</p> <p>3 through what I just handed you?</p> <p>4 A Yes.</p> <p>5 Q Okay. And does that look like your report,</p> <p>6 your CV, your reference list, that kind of thing?</p> <p>7 A Yes.</p> <p>8 Q And did you write this report?</p> <p>9 A I sure did.</p> <p>10 (The document referenced below was</p> <p>11 marked Deposition Exhibit 2 for</p> <p>12 identification and is appended hereto.)</p> <p>13 BY MR. DEARING:</p> <p>14 Q Yesterday, I was given another document that</p> <p>15 I'm marking as Exhibit 2, and it's entitled</p> <p>16 "Defendants' Response to Plaintiffs' Document Requests</p> <p>17 Contained in Notice of Oral and Videotaped Deposition</p> <p>18 of Robert Kurman, M.D., and Duces Tecum."</p> <p>19 Have you ever seen this document before?</p> <p>20 MS. AHERN: Is that Exhibit 2?</p> <p>21 MR. DEARING: It's Exhibit 2, yes.</p> <p>22 THE WITNESS: This is what you showed me yesterday,</p> <p>23 isn't it? Is this what you showed me yesterday?</p> <p>24 MS. AHERN: Go ahead and take a look through it.</p> <p>25 And if you recognize it, you can let him know.</p>	<p>1 A No, I have not.</p> <p>2 Q Any idea why they would be on your reference</p> <p>3 list if you haven't read them?</p> <p>4 A They were offered to me, but I didn't read</p> <p>5 them all.</p> <p>6 Q Have you read any of them?</p> <p>7 A I did.</p> <p>8 Q Which ones have you read?</p> <p>9 A Dr. Michael Birrer, Dr. Jeff Boyd, Dr. Gregory</p> <p>10 Diette, Dr. Ie-Ming Shih, and Brooke Mossman.</p> <p>11 Q And I think you mentioned that you read the</p> <p>12 report of Dr. Kane; right?</p> <p>13 A I did.</p> <p>14 Q A plaintiff expert?</p> <p>15 A Yes.</p> <p>16 Q Did you read any other report of plaintiff</p> <p>17 experts?</p> <p>18 A No, I did not.</p> <p>19 Q Have you relied on any other materials that</p> <p>20 aren't contained in your original reference list or</p> <p>21 this new reference list that I got yesterday?</p> <p>22 A No, I have not.</p> <p>23 Q And for clarity, did you prepare this</p> <p>24 reference list that was handed to me yesterday?</p> <p>25 A I did not prepare that list.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q Did you ask someone to prepare that list?</p> <p>2 A No, I didn't.</p> <p>3 Q And the first time you saw it was this</p> <p>4 morning?</p> <p>5 A You asked me about this originally. I said I</p> <p>6 didn't see it. Honestly, I didn't look at the last</p> <p>7 three pages.</p> <p>8 Q Okay.</p> <p>9 A When you mention that, I did see that before,</p> <p>10 the reference list.</p> <p>11 Q Okay. But you didn't prepare it?</p> <p>12 A But I did not prepare it, no.</p> <p>13 Q Have you reviewed any internal corporate</p> <p>14 documents, emails, or testing data of Johnson & Johnson</p> <p>15 and Imerys?</p> <p>16 A No, I haven't.</p> <p>17 Q As I understand it, you are now a retired</p> <p>18 gynecologic pathologist; is that right?</p> <p>19 A That's correct.</p> <p>20 Q Congratulations.</p> <p>21 A Thank you.</p> <p>22 Q And I understand that your medical license has</p> <p>23 lapsed as well; right?</p> <p>24 A I have a medical license in Nevada.</p> <p>25 Q Oh, you do?</p>	<p style="text-align: right;">Page 16</p> <p>1 able to say they were board-certified. They wanted to</p> <p>2 completely compete it -- excuse me -- completely</p> <p>3 confine it to pathologists. So they didn't approve of</p> <p>4 having a board specialty.</p> <p>5 Q But you can get board-certified in pathology;</p> <p>6 right?</p> <p>7 A Oh, certainly.</p> <p>8 Q Now, you've been deposed several times in this</p> <p>9 litigation; right?</p> <p>10 A A few times, yes.</p> <p>11 Q And you've actually testified in at least one</p> <p>12 trial; right?</p> <p>13 A Yes. I think you were the person that --</p> <p>14 Q It was me.</p> <p>15 Have you testified in any other trials?</p> <p>16 A No.</p> <p>17 Q And each time you testified, you took an oath</p> <p>18 to tell the truth, the whole truth; right?</p> <p>19 A Yes.</p> <p>20 Q And did you do that?</p> <p>21 A I did.</p> <p>22 Q And do you still stand by the testimony you</p> <p>23 gave previously in this litigation?</p> <p>24 MS. AHERN: Objection. Form.</p> <p>25 THE WITNESS: Well, I'd like to see what -- if</p>
<p style="text-align: right;">Page 15</p> <p>1 A I do.</p> <p>2 Q Do you agree with me that gynecologic</p> <p>3 pathology is not a recognized subspecialty of the</p> <p>4 American Board of Pathology?</p> <p>5 A Gynecologic pathology is a -- an acknowledged</p> <p>6 subspecialty that we have in virtually all major</p> <p>7 institutions, but it is not a board specialty.</p> <p>8 Q So you can't become board-certified in</p> <p>9 gynecologic pathology; correct?</p> <p>10 A Well, the point is that, in order to do expert</p> <p>11 work in gynecologic pathology, you need to really train</p> <p>12 in it, as your plaintiffs' expert did. But you don't</p> <p>13 need specific board certification.</p> <p>14 And, in fact, there was -- many years ago,</p> <p>15 there was -- and I was at the meeting. My predecessor</p> <p>16 at Hopkins, Dr. Don Woodruff, who was a gynecologist</p> <p>17 but had done a lot of gynecologic pathology -- in fact,</p> <p>18 he did the gynecologic pathology at Hopkins before I</p> <p>19 was there -- went to a meeting of the International</p> <p>20 Society of Gynecologic Pathologists and asked that it</p> <p>21 be made a board specialty.</p> <p>22 And the pathologists resisted. They didn't</p> <p>23 want to do it. The reason being that they were</p> <p>24 concerned that people like Dr. Woodruff -- with all</p> <p>25 respect to him -- they didn't want gynecologists to be</p>	<p style="text-align: right;">Page 17</p> <p>1 you're referring to specifically, I'd like to see it.</p> <p>2 But I told the truth then, and I'm telling the truth</p> <p>3 now.</p> <p>4 BY MR. DEARING:</p> <p>5 Q Do you believe your report is a fair and</p> <p>6 balanced statement of the science on the issues that</p> <p>7 you address?</p> <p>8 A I certainly do.</p> <p>9 Q When you wrote your report in this case, who</p> <p>10 was your intended audience or your intended reader?</p> <p>11 A I was responding specifically to the report of</p> <p>12 Dr. Kane, but I assumed that other individuals who were</p> <p>13 involved with this litigation would probably be reading</p> <p>14 it.</p> <p>15 Q Did you write it thinking that the judge would</p> <p>16 read it?</p> <p>17 A I assumed that that would eventually occur.</p> <p>18 Q When you were first contacted by Johnson &</p> <p>19 Johnson regarding this talcum powder litigation, isn't</p> <p>20 it true that you had never researched the relationship</p> <p>21 between genital talc use and ovarian cancer?</p> <p>22 MS. AHERN: Objection. Form.</p> <p>23 THE WITNESS: Are you referring to when I was</p> <p>24 initially contacted or for this specific MDL?</p> <p>25 ///</p>

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<p style="text-align: right;">Page 18</p> <p>1 BY MR. DEARING:</p> <p>2 Q No. Before the MDL --</p> <p>3 A Okay.</p> <p>4 Q -- when Johnson & Johnson first came to you,</p> <p>5 at that time, you had not researched the issue of</p> <p>6 genital talcum powder use and ovarian cancer; right?</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 THE WITNESS: That's correct, because amongst -- in</p> <p>9 pathologists in the community and gynecologists, as far</p> <p>10 as I know, there was never a question that talc was</p> <p>11 involved with ovarian cancer, so there was no need for</p> <p>12 me to really pursue it.</p> <p>13 BY MR. DEARING:</p> <p>14 Q Well, when was that that Johnson & Johnson</p> <p>15 approached you to be a witness for them for the first</p> <p>16 time?</p> <p>17 A It was about 2015.</p> <p>18 Q So there was lots of literature out there and</p> <p>19 studies about the association or purported association</p> <p>20 between genital talc use and ovarian cancer; right?</p> <p>21 MS. AHERN: Objection. Form.</p> <p>22 THE WITNESS: They were epidemiology studies, which</p> <p>23 I think never rose to the level of being of interest to</p> <p>24 gynecologic pathologists -- gynecologic pathologists,</p> <p>25 for sure.</p>	<p style="text-align: right;">Page 20</p> <p>1 MS. AHERN: Objection. Misstates.</p> <p>2 THE WITNESS: I said before Johnson & Johnson</p> <p>3 contacted me, there was, in the gynecologic pathology</p> <p>4 community, never -- never a question of talc being</p> <p>5 involved with ovarian cancer. So, therefore, I wasn't</p> <p>6 doing research on talc and ovarian cancer.</p> <p>7 BY MR. DEARING:</p> <p>8 Q Based on the research you've done since</p> <p>9 Johnson & Johnson contacted you, you're aware that</p> <p>10 there are gynecologic pathologists who have published</p> <p>11 on this very topic, right, before Johnson & Johnson</p> <p>12 contacted you; right?</p> <p>13 MS. AHERN: Objection. Form. Mischaracterizing</p> <p>14 the literature.</p> <p>15 BY MR. DEARING:</p> <p>16 Q William Welch at Harvard, for example, has</p> <p>17 published on this.</p> <p>18 He's a gynecologic pathologist; right?</p> <p>19 A I know Bill Welch quite well and --</p> <p>20 Q I'm just using him as an example.</p> <p>21 A Yeah, right. Right. In his -- he's on the</p> <p>22 paper, but I don't think he ever acknowledges that he</p> <p>23 says he supports talc as being a cause of ovarian</p> <p>24 cancer. I think he reviewed the pathology, and what</p> <p>25 his -- to make sure that these were whatever the</p>
<p style="text-align: right;">Page 19</p> <p>1 BY MR. DEARING:</p> <p>2 Q All those scientists that wrote those studies</p> <p>3 would be disappointed to hear you say that.</p> <p>4 But there were also animal studies, weren't</p> <p>5 there?</p> <p>6 MS. AHERN: Objection. Form.</p> <p>7 THE WITNESS: Maybe. I don't know.</p> <p>8 BY MR. DEARING:</p> <p>9 Q There were also cell studies, looking at the</p> <p>10 effects of talc on -- on cell structures and cells --</p> <p>11 MS. AHERN: Object.</p> <p>12 BY MR. DEARING:</p> <p>13 Q -- before Johnson & Johnson contacted you;</p> <p>14 right?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: As I said, I didn't -- as you -- I</p> <p>17 didn't read the literature on it before, so I have</p> <p>18 no -- no idea.</p> <p>19 BY MR. DEARING:</p> <p>20 Q So when you -- I don't want to put words in</p> <p>21 your mouth.</p> <p>22 Did you say that, before Johnson & Johnson</p> <p>23 contacted you, it wasn't important to you?</p> <p>24 I don't remember what you said.</p> <p>25 A I--</p>	<p style="text-align: right;">Page 21</p> <p>1 authors were saying were ovarian cancers.</p> <p>2 Q My point is, before Johnson & Johnson</p> <p>3 contacted you to be one of their experts, there was</p> <p>4 some interest among some gynecologic pathologists about</p> <p>5 this issue of talc and ovarian cancer, right --</p> <p>6 MS. AHERN: Objection. Form.</p> <p>7 BY MR. DEARING:</p> <p>8 Q -- as evidenced by the publications that they</p> <p>9 put their name on?</p> <p>10 MS. AHERN: Objection. Form.</p> <p>11 THE WITNESS: As I said, Bill Welch, who I honestly</p> <p>12 didn't speak to specifically about this topic, but I</p> <p>13 can -- at meetings, he's never brought it up. So I</p> <p>14 assumed -- assume.</p> <p>15 I should say that, based on those</p> <p>16 publications, I -- he reviewed those cases. He said</p> <p>17 they were ovarian cancers, but I don't know if there's</p> <p>18 any evidence that he indicated that he believed that</p> <p>19 talc caused ovarian cancer.</p> <p>20 BY MR. DEARING:</p> <p>21 Q And you understand I'm not talking about just</p> <p>22 Dr. Welch.</p> <p>23 I'm talking about other gynecologic</p> <p>24 pathologists have contributed to papers, studies on the</p> <p>25 issue of talc and ovarian cancer before Johnson &</p>

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<p style="text-align: right;">Page 22</p> <p>1 Johnson came to you and hired you as an expert; right?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 BY MR. DEARING:</p> <p>4 Q Are you aware of those papers?</p> <p>5 A You'll have to show them to me.</p> <p>6 Q Okay.</p> <p>7 A Please.</p> <p>8 Q Okay. So none come to mind, as we sit here?</p> <p>9 A You'll have to show them to me.</p> <p>10 Q Okay. And would you also agree that, before</p> <p>11 Johnson & Johnson hired you, many other scientists in</p> <p>12 other fields were quite interested in the issue of</p> <p>13 genital talc use and ovarian cancer and were publishing</p> <p>14 on it?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: As I said, since I did not research</p> <p>17 the area of talc use and the possible talc exposure to</p> <p>18 the development of ovarian cancer prior to the time</p> <p>19 that Johnson & Johnson contacted me, I wasn't aware of</p> <p>20 those studies.</p> <p>21 BY MR. DEARING:</p> <p>22 Q All right. But since then, since you've been</p> <p>23 hired by Johnson & Johnson, you've done a lot of</p> <p>24 research on it and you've seen that studies were</p> <p>25 published long before Johnson & Johnson hired you, even</p>	<p style="text-align: right;">Page 24</p> <p>1 mean?</p> <p>2 A Well, there may -- if there was a study that</p> <p>3 had -- if there was some kind of exposure to talc that</p> <p>4 I was looking under the microscope, I would assume that</p> <p>5 it would -- that it would create a foreign-body giant</p> <p>6 cell granulomatous inflammation. And I would,</p> <p>7 therefore, have polarized it, perhaps looked at that</p> <p>8 that way. But it haven't seen that.</p> <p>9 MR. DEARING: Okay. Move to strike as</p> <p>10 nonresponsive.</p> <p>11 BY MR. DEARING:</p> <p>12 Q My question is, have you looked at talc or</p> <p>13 Johnson & Johnson body powder products under a</p> <p>14 microscope?</p> <p>15 A I have not looked at talc, Johnson & Johnson</p> <p>16 products, as far as I know, under the microscope.</p> <p>17 Q Have you ever studied gynecologic tissue --</p> <p>18 I'm sorry. Strike that.</p> <p>19 Have you ever studied talc in gynecologic</p> <p>20 tissue under a microscope, you specifically?</p> <p>21 A I thought I just answered that question.</p> <p>22 Isn't that what you just asked me?</p> <p>23 Q No. I asked if you looked at the powder. Now</p> <p>24 I'm asking you about tissue.</p> <p>25 A Oh. So your first question was talc powder</p>
<p style="text-align: right;">Page 23</p> <p>1 as far back as the '70s, on this very topic; right?</p> <p>2 A I've seen, since my research on the subject,</p> <p>3 yes, that there have been studies that were performed</p> <p>4 before 2015.</p> <p>5 Q And you've never published on the topic of</p> <p>6 talc and ovarian cancer; correct?</p> <p>7 A No, I have not.</p> <p>8 Q And you've never lectured on it?</p> <p>9 A I have never lectured on it.</p> <p>10 Q Have you ever studied talc, and specifically</p> <p>11 Johnson & Johnson's baby powder or Shower to Shower</p> <p>12 product, under a microscope?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: I have not specifically done a study</p> <p>15 looking at talc exposure in tissues under the</p> <p>16 microscope.</p> <p>17 BY MR. DEARING:</p> <p>18 Q Have you even looked at just plain talc under</p> <p>19 a microscope?</p> <p>20 A Not specifically, no, I have not.</p> <p>21 Q Have you looked at it nonspecifically?</p> <p>22 What do you mean by that?</p> <p>23 MS. AHERN: Objection. Form.</p> <p>24 BY MR. DEARING:</p> <p>25 Q When you say "not specifically," what do you</p>	<p style="text-align: right;">Page 25</p> <p>1 not being in tissue?</p> <p>2 Q Right. My first question didn't mention</p> <p>3 tissue at all.</p> <p>4 Do you need me to ask it again?</p> <p>5 A Well, certainly. I don't look at -- I look at</p> <p>6 tissue. I never look at things that are not tissue.</p> <p>7 Q Okay. You don't think it's important to look</p> <p>8 at the morphology and characteristics of talc by itself</p> <p>9 in order to assist you in looking at talc in tissue?</p> <p>10 A No. If I see it in tissue, I'd recognize it,</p> <p>11 as I mentioned with polarization. Seeing a</p> <p>12 foreign-body giant cell reaction, polarizing it there,</p> <p>13 seeing birefringent particles, might be talc.</p> <p>14 Q Have you studied talc in gynecologic tissue</p> <p>15 under a microscope?</p> <p>16 A Okay. So now we are talking about tissue.</p> <p>17 Q Yeah.</p> <p>18 A I have not.</p> <p>19 Q And you just said that you could look at talc</p> <p>20 in tissue and recognize it by polarized light.</p> <p>21 Isn't it true that you hardly ever do that?</p> <p>22 MS. AHERN: Objection. Form.</p> <p>23 BY MR. DEARING:</p> <p>24 Q In fact, I think those were your actual words,</p> <p>25 that you hardly ever do that.</p>

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<p style="text-align: right;">Page 26</p> <p>1 A Well, let me describe the situation to you. I</p> <p>2 don't routinely look at tissue using polarized light.</p> <p>3 There's got to be an indication.</p> <p>4 The indication is, do I see a foreign-body</p> <p>5 giant cell reaction? Then I would say, "Ah, there may</p> <p>6 be something here that's polarizable." Then I would</p> <p>7 polarize it.</p> <p>8 Q That doesn't happen very often, does it?</p> <p>9 A It does not happen very often.</p> <p>10 Q Have you ever participated in any lab study of</p> <p>11 cellular reaction to talc exposure?</p> <p>12 A I haven't --</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: I have not participated. I'm not a</p> <p>15 laboratory scientist. I'm not a bench scientist. I'm</p> <p>16 a surgical pathologist.</p> <p>17 BY MR. DEARING:</p> <p>18 Q And you're not qualified to perform analytical</p> <p>19 scanning electron microscopy or transmission electron</p> <p>20 microscopy or Raman spectroscopy, are you?</p> <p>21 A Those techniques are not those -- I don't use</p> <p>22 those techniques.</p> <p>23 Q You've served on many peer review and</p> <p>24 editorial committees for a variety of journals and</p> <p>25 professional publications.</p>	<p style="text-align: right;">Page 28</p> <p>1 decides how to respond to those comments. And then</p> <p>2 that's resubmitted to the -- to the editor. And then</p> <p>3 the editor, again, makes a decision. Did these authors</p> <p>4 provide enough explanation to now have successfully</p> <p>5 addressed the concerns of the reviewers? Or, hmm,</p> <p>6 maybe not, in which case they might send it back to the</p> <p>7 reviewers and ask them again to review the paper.</p> <p>8 And it goes through the same process again of</p> <p>9 the reviewers saying, well, yes, they have addressed</p> <p>10 the questions, or, no, they haven't addressed the</p> <p>11 questions and, therefore, again submit their</p> <p>12 recommendation to the editor.</p> <p>13 Q And that's been your experience and your own</p> <p>14 participation either by submitting general publications</p> <p>15 for publication or serving on these review committees?</p> <p>16 A Yes.</p> <p>17 Q And would you agree that the primary purpose</p> <p>18 of the peer review process is to validate proposed</p> <p>19 scientific findings, methodologies, opinions, and</p> <p>20 hypotheses so that bad science doesn't get published in</p> <p>21 journals?</p> <p>22 MS. AHERN: Objection. Form.</p> <p>23 THE WITNESS: The responsibility of the reviewers</p> <p>24 is to perform a fair review of the science and</p> <p>25 determine whether that science has been -- is</p>
<p style="text-align: right;">Page 27</p> <p>1 Can you describe how that peer review process</p> <p>2 typically works?</p> <p>3 A Sure. Paper's submitted to a journal. The</p> <p>4 editor looks it over and determines, among the people</p> <p>5 on the editorial board or people not necessarily on the</p> <p>6 editorial board, who has the necessary expertise or</p> <p>7 interest in the area to review the paper and provide a</p> <p>8 commentary on it, pointing out whether the paper is</p> <p>9 acceptable as submitted or are there problems with it</p> <p>10 that need to be addressed by the authors.</p> <p>11 So that reviewer then submits a report back to</p> <p>12 the editor. The editor reviews it, looks at it, one</p> <p>13 reviewer's comments -- and invariably it is sent to</p> <p>14 more than one reviewer -- and compares the review of</p> <p>15 one reviewer to the review of another.</p> <p>16 If they're concordant the editor, based on</p> <p>17 that editor's judgment, would probably agree and say,</p> <p>18 based on these reviewers' comments, I will either</p> <p>19 accept the paper, I will reject it out of hand, or I</p> <p>20 will resubmit it to the authors and say it's -- the</p> <p>21 reviewers have deemed that your paper is acceptable</p> <p>22 with the provision that you address certain specific</p> <p>23 issues. And those issues are listed for the -- for the</p> <p>24 author to look at.</p> <p>25 And the author reviews those comments and then</p>	<p style="text-align: right;">Page 29</p> <p>1 appropriate -- is reliable, is valid, and, therefore,</p> <p>2 agree or disagree, as I said earlier, to either reject</p> <p>3 or accept the paper.</p> <p>4 BY MR. DEARING:</p> <p>5 Q None of the opinions that you're offering</p> <p>6 today regarding talc and ovarian cancer have ever been</p> <p>7 published or have ever gone through any peer review</p> <p>8 process, have they?</p> <p>9 A That's correct.</p> <p>10 Q Have you tried to publish your opinions about</p> <p>11 talc and ovarian cancer?</p> <p>12 A No, I have not.</p> <p>13 Q When Johnson & Johnson first approached you</p> <p>14 for serving as an expert witness in the MDL litigation</p> <p>15 that we are here about today, what's your understanding</p> <p>16 of what they wanted you to do?</p> <p>17 A Well, it was my impression from speaking with</p> <p>18 them that the primary -- what my primary function was,</p> <p>19 really, was to be an expert in gynecologic pathology,</p> <p>20 which I am, I think, and go over the issues of ovarian</p> <p>21 carcinogenesis from the standpoint of surgical</p> <p>22 pathology and to review the data concerning talc</p> <p>23 exposure and possible involvement in the development of</p> <p>24 ovarian cancer in terms of ovarian carcinogenesis</p> <p>25 causation and to review the plaintiffs' expert</p>

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<p>1 gynecologic pathologist's report.</p> <p>2 Q And when you say "review the data," are you</p> <p>3 talking about cell study data or are you talking about</p> <p>4 epidemiology? What are you referring to?</p> <p>5 A Well, specifically -- not epidemiologic data</p> <p>6 because I testified to that before, but I'm not an</p> <p>7 epidemiologist. So it was -- really, the interest was</p> <p>8 in my expertise in gynecologic pathology with the</p> <p>9 focus, again, being on the -- my work as a gynecologic</p> <p>10 pathologist. As I said, I'm not a bench scientist. I</p> <p>11 can certainly review some of those papers, but my area</p> <p>12 and expertise is surgical pathology.</p> <p>13 Q Is it fair to say that, if there are studies</p> <p>14 out there pertaining to talc and ovarian cancer that</p> <p>15 are not on your reference list, that you've not</p> <p>16 reviewed them?</p> <p>17 MS. AHERN: Objection. Form.</p> <p>18 THE WITNESS: I may have seen other papers that</p> <p>19 I've looked at but didn't decide, for whatever reason,</p> <p>20 to specifically -- there's a huge -- you know, there</p> <p>21 are a lot of papers out there that I may have even</p> <p>22 missed. So there may be some things out there that I'm</p> <p>23 not aware of that I didn't include.</p> <p>24 BY MR. DEARING:</p> <p>25 Q Since epidemiology is not your specialty, is</p>	<p>1 Q Sure. There are several on the second one</p> <p>2 that I got yesterday, but right now I'm asking you</p> <p>3 about the first one.</p> <p>4 A Okay. Well, for starters, Camargo, I believe,</p> <p>5 may have been an epidemiologic study.</p> <p>6 Q Can you refer me to what page?</p> <p>7 A Oh, I'm looking at page 12 of the references,</p> <p>8 Number 9, Camargo.</p> <p>9 Q Okay.</p> <p>10 A There are a couple of papers by Dan Cramer, 14</p> <p>11 and 15, which are epidemiologic studies, one -- 15, in</p> <p>12 fact, was published in an epidemiology journal.</p> <p>13 Number 23, Falconer in "Ovarian Cancer Risk</p> <p>14 After Salpingectomy: A Nationwide Population-Based</p> <p>15 Study."</p> <p>16 Q Let me ask a question in a different way, if I</p> <p>17 can.</p> <p>18 A Okay.</p> <p>19 Q Certainly lots of these studies rely on</p> <p>20 population data.</p> <p>21 Did you rely on any of the population data or</p> <p>22 findings of epidemiology studies in preparing your</p> <p>23 report and the opinions within your report?</p> <p>24 A Well, as I've said, I've indicate I -- earlier</p> <p>25 on in the litigation, I have reviewed -- I reviewed</p>
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<p>1 it fair to say that you've not considered the complete</p> <p>2 body of literature in epidemiology on the issue of talc</p> <p>3 and ovarian cancer?</p> <p>4 A No, no, I wouldn't say that at all. I've</p> <p>5 looked at those epidemiology papers, and even though</p> <p>6 I'm not an epidemiologist, I can get a -- I can</p> <p>7 understand them. I'm not an expert in epidemiology,</p> <p>8 but their papers are important, and I reviewed them.</p> <p>9 Q Right. And if you reviewed them, are they</p> <p>10 identified on your reference materials list, either the</p> <p>11 first one or the one I got yesterday?</p> <p>12 A I imagine that some of them are. I'd have to</p> <p>13 look specifically.</p> <p>14 Q Okay. Well, I didn't see any epidemiology</p> <p>15 studies on the first list I was provided with your</p> <p>16 original report. You're welcome to look at it. It's</p> <p>17 right in front of you. But does that sound right? I'm</p> <p>18 not going to spend a lot of time on it.</p> <p>19 MS. AHERN: Are you talking about his reference</p> <p>20 list from his report?</p> <p>21 BY MR. DEARING:</p> <p>22 Q Right. I didn't recognize any epidemiology</p> <p>23 studies --</p> <p>24 A Well, I'd have to go through the reference</p> <p>25 list and look at them, actually. Can I do that?</p>	<p>1 many of these studies, the epidemiologic studies. I</p> <p>2 briefly looked at them again -- over again and didn't</p> <p>3 see any reason that they brought -- changed my</p> <p>4 testimony from what I've done in the past.</p> <p>5 So, yes, I have looked at them and I've taken</p> <p>6 them into account.</p> <p>7 Q Do you think you have reviewed epidemiology</p> <p>8 studies on this topic of talc and ovarian cancer that</p> <p>9 aren't reflected in your reference list?</p> <p>10 A I may have, yes.</p> <p>11 Q Have you reviewed the Terry study?</p> <p>12 A Terry study, no, does not sound familiar.</p> <p>13 Q Have you reviewed the Taher study, T-a-h-e-r?</p> <p>14 A I'd have to see that one. I might have. Do</p> <p>15 you have it?</p> <p>16 Q I do. We're going to come back to it in a</p> <p>17 little bit. I'm just trying to get a --</p> <p>18 A At this point, I won't comment. I'd like to</p> <p>19 see it. I may have.</p> <p>20 Q You may have?</p> <p>21 A Yeah.</p> <p>22 Q How about Penninkilampi? Have you looked at</p> <p>23 that study?</p> <p>24 A I looked at the abstract.</p> <p>25 Q On page 12 of your report -- and I think you</p>

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<p>1 sort of just said this -- you say that "Although 2 Dr. Kane offers opinions in a host of areas outside of 3 her field, including epidemiology and cancer biology, I 4 will focus my report on the primary area of" -- 5 A Excuse me. Could you tell me exactly where 6 you are reading from? 7 Q Sure. Page 12. 8 A Yeah, I got that. 9 Q At the top. First paragraph. 10 A Okay. 11 Q Last sentence. 12 A Okay. 13 Q "Although Dr. Kane offers opinions 14 in a host of areas outside her field, 15 including epidemiology and cancer 16 biology, I will focus my report on my 17 primary area of expertise, gynecologic 18 pathology." 19 So I want to ask you about that statement. 20 Does that mean that you only intend to testify 21 about gynecologic pathology, and not epidemiology and 22 cancer biology? 23 MS. AHERN: Objection. Form. Depends what you ask 24 him. 25 MR. DEARING: He seems to be defining the</p>	<p>1 MS. AHERN: Objection. Form. 2 THE WITNESS: Pretty much so, yes. 3 BY MR. DEARING: 4 Q Are you intending to offer any opinions that 5 are not contained in your report? 6 MS. AHERN: Objection. Form. 7 THE WITNESS: I'd have to hear the question, but I 8 don't think I would. 9 BY MR. DEARING: 10 Q Was it your idea to add the 16 defense experts 11 to your second reference list -- 16 expert reports? 12 A No. 13 MS. AHERN: David, can I just quickly -- it might 14 help a little bit. We put together the reference list 15 which contains any materials we provided to him, should 16 he want to review them, and also includes articles I 17 think he found himself that he's reviewed. 18 So we tried to give you a complete list of 19 everything that he had to consider. You'll have to ask 20 him if he actually reviewed it. 21 BY MR. DEARING: 22 Q The only plaintiff expert report you reviewed 23 was Dr. Kane's; right? 24 A Correct. 25 Q Are the opinions of the other defense experts</p>
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<p>1 parameters of his testimony. So I want to know what 2 he's comfortable with testifying about. 3 MS. AHERN: Understood. 4 THE WITNESS: As I said, that is my primary focus. 5 An epidemiology study that may touch on it briefly, I 6 could mention, but it isn't what I'm focusing my 7 specific testimony on. 8 BY MR. DEARING: 9 Q So, as you sit here today, it is not your 10 intention to dissect epidemiology studies? 11 A That's correct. 12 Q And it is not your intention to offer 13 testimony on cancer biology? 14 MS. AHERN: Objection. Form. 15 BY MR. DEARING: 16 Q Right? 17 A That's correct. 18 Q Does your report contain a complete outline of 19 your opinions? 20 MS. AHERN: Objection. Form. 21 THE WITNESS: What do you mean by a "complete 22 outline" of my opinions? 23 BY MR. DEARING: 24 Q Does your report contain a complete statement 25 of your opinions regarding talc and ovarian cancer?</p>	<p>1 in this case relevant to your pathology opinions? 2 A Well, I didn't read them. So I can't comment 3 on them. 4 Q But if you thought they were relevant, you 5 would have read them; right? 6 A Since they weren't pathologists and my focus 7 was on the pathology, I -- I would think that's 8 correct. I would focus on pathology. 9 Q Certainly your pathology opinions are not 10 dependent on the opinions of the other defense experts; 11 right? 12 A Well, again, I'd have to see -- if you're 13 referring to something specifically, I would like to 14 see what it is. But, in general, they're not -- it's 15 not focused -- if they don't discuss pathology, it is 16 not relevant to my testimony. 17 Q Since your report was written long before 18 yesterday when I received your supplemental reference 19 list, is it fair to say that none of the opinions in 20 your report are dependent upon anything that's on the 21 reference list that I was provided yesterday? 22 A That's correct. 23 Q Do any of the materials I was recently 24 provided on your second reference list influence or 25 affect or change any of the opinions that you've</p>

10 (Pages 34 to 37)

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<p>1 already put in your report?</p> <p>2 A Let me look at that reference list again.</p> <p>3 Well, I don't know if I mentioned it. I did</p> <p>4 read -- oh, I did mention it earlier. I read</p> <p>5 Dr. Shih's deposition, and it included a report of his,</p> <p>6 a study he was doing. I read that. But I mentioned</p> <p>7 that before.</p> <p>8 Other than that, no. I mean, obviously, the</p> <p>9 Jeff Seidman study, I was an author. I'm involved with</p> <p>10 that paper on papillary tubal hyperplasia. I wrote it,</p> <p>11 so I know that.</p> <p>12 I would say, yes, actually, looking at it,</p> <p>13 there was an important paper that is listed on</p> <p>14 page 2 -- important in my opinion -- by -- it is the</p> <p>15 second one from the top. Ducie, H. et al., which I</p> <p>16 would -- it's not in my original report, but I would --</p> <p>17 I might refer to that.</p> <p>18 Q I believe the question was did your review any</p> <p>19 of the materials on the supplemental reference list</p> <p>20 affect or change any opinions --</p> <p>21 A Oh.</p> <p>22 Q -- you've already written in your report?</p> <p>23 A No, it does not change my opinion.</p> <p>24 Q If you are not intending to offer epidemiology</p> <p>25 opinions or discuss the underlying data of epidemiology</p>	<p>1 disclosure of what he might have reviewed in</p> <p>2 preparation for the deposition. We were just</p> <p>3 overinclusive.</p> <p>4 MR. DEARING: Thank you.</p> <p>5 BY MR. DEARING:</p> <p>6 Q Did you read any of these studies that are on</p> <p>7 the supplemental list?</p> <p>8 A Again, as I mentioned --</p> <p>9 Q You read one of them, but --</p> <p>10 A -- in the past when I did discuss epidemiology</p> <p>11 in greater detail, I have read Gates, Gertig.</p> <p>12 Gonzalez, I actually might have looked at more</p> <p>13 recently. Houghton, I've looked at in the past. I</p> <p>14 mentioned Penninkilampi.</p> <p>15 Q Are you prepared to discuss those studies</p> <p>16 today?</p> <p>17 A Well, as I said, I looked in the past. I</p> <p>18 haven't really recently gone over them in depth. If</p> <p>19 there's some specific question you may want to ask, I</p> <p>20 could look at it. But the focus of my testimony is not</p> <p>21 on the epidemiology, as we've discussed.</p> <p>22 Q I want to try today to keep you within your</p> <p>23 field of expertise, and I don't want to drag you out in</p> <p>24 any other area that you're not comfortable in or you</p> <p>25 don't feel qualified in. So if I do that, please tell</p>
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<p>1 studies, why did you add about 15 epidemiology studies</p> <p>2 in your supplemental list for today's deposition?</p> <p>3 MS. AHERN: Objection. Form.</p> <p>4 BY MR. DEARING:</p> <p>5 Q Or was your testimony you didn't add those;</p> <p>6 someone else did?</p> <p>7 A Yes.</p> <p>8 Q Okay.</p> <p>9 A They were provided to me. If I was of</p> <p>10 interest to read them, I could read them. But I didn't</p> <p>11 read them.</p> <p>12 Q Okay.</p> <p>13 A I did mention I did look at the abstract of</p> <p>14 Penninkilampi.</p> <p>15 Q Do you think you read any of the epidemiology</p> <p>16 studies that are in the supplemental list?</p> <p>17 A Let me take a look.</p> <p>18 MS. AHERN: You mean recently or previously?</p> <p>19 BY MR. DEARING:</p> <p>20 Q They're in a reliance list. So did you read</p> <p>21 any anticipating you might review on them?</p> <p>22 MS. AHERN: Well, I would object to the</p> <p>23 characterization this is a reliance list. This is a</p> <p>24 supplemental list of materials that we either provided</p> <p>25 to him or he selected himself so that you had full</p>	<p>1 me. Okay?</p> <p>2 A Okay.</p> <p>3 MS. AHERN: Objection.</p> <p>4 BY MR. DEARING:</p> <p>5 Q Based on your research that you've done in</p> <p>6 your entire career, both before and after Johnson &</p> <p>7 Johnson hired you as an expert in this case and in this</p> <p>8 litigation, in general, years ago, would you agree with</p> <p>9 me that there are about 30 or so epidemiology studies</p> <p>10 on talc and ovarian cancer that are not on either of</p> <p>11 your reference lists?</p> <p>12 MS. AHERN: Objection. Form.</p> <p>13 THE WITNESS: I'd have to go over and look all</p> <p>14 these 30 that you mentioned. So I can't really</p> <p>15 comment.</p> <p>16 BY MR. DEARING:</p> <p>17 Q As you sit here now, would you agree that your</p> <p>18 two reference lists do not include all of the</p> <p>19 epidemiology studies, not even all the meta-analysis</p> <p>20 studies, on talc and ovarian cancer?</p> <p>21 A That is correct.</p> <p>22 Q And that's because either you weren't aware of</p> <p>23 them or you read them and didn't find them compelling</p> <p>24 or the attorneys didn't put it on the list for you to</p> <p>25 review; right?</p>

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<p>1 MS. AHERN: Objection. Form.</p> <p>2 THE WITNESS: Yeah, could you please --</p> <p>3 MR. DEARING: Sure.</p> <p>4 THE WITNESS: -- rephrase your question.</p> <p>5 BY MR. DEARING:</p> <p>6 Q So there are quite a few epidemiology studies</p> <p>7 and meta-analyses on talc and ovarian cancer that are</p> <p>8 not on either of your reference lists.</p> <p>9 A That's correct.</p> <p>10 Q Ms. Ahern just said on the record that they</p> <p>11 provided you the reference list.</p> <p>12 MS. AHERN: Objection. Form. The supplemental</p> <p>13 reference list is the one that we put together.</p> <p>14 MR. DEARING: Okay.</p> <p>15 BY MR. DEARING:</p> <p>16 Q If there are epidemiology studies that are not</p> <p>17 on your original reference list -- let me ask you: Did</p> <p>18 you put together your original reference list?</p> <p>19 A Yes.</p> <p>20 Q Did the lawyers help you do that?</p> <p>21 A Not really. It was me.</p> <p>22 Q Okay. The original reference list has a</p> <p>23 handful of epidemiology studies that we started to go</p> <p>24 through.</p> <p>25 A Yes. We were only up to like page 2. There</p>	<p>1 Do you agree with that?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: That is correct.</p> <p>4 BY MR. DEARING:</p> <p>5 Q Now, because you didn't prepare the second</p> <p>6 list, the lawyers did, and the fact that some of those</p> <p>7 large studies are not on this list, do you interpret</p> <p>8 that to mean they didn't provide those to you or didn't</p> <p>9 think you should look at those?</p> <p>10 MS. AHERN: Objection. Form.</p> <p>11 THE WITNESS: I don't know what the -- what the</p> <p>12 reason was why they weren't included on that list.</p> <p>13 BY MR. DEARING:</p> <p>14 Q Before we get too far into the pathology weeds</p> <p>15 today, I want to ask you just some basic questions to</p> <p>16 make sure we're communicating well, like some</p> <p>17 definitions.</p> <p>18 For example, if I use the term "biologic</p> <p>19 plausibility," can you tell me what that means to you?</p> <p>20 Or does it mean anything to you?</p> <p>21 A It means something to me. I think it's a</p> <p>22 factor that would be very important in establishing</p> <p>23 causation. So the way I interpret -- view it is that</p> <p>24 it's -- biologic explanations often, really, base</p> <p>25 cellular studies or extracellular studies that could be</p>
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<p>1 may have been more.</p> <p>2 Q Right. But it's your list?</p> <p>3 A Yes.</p> <p>4 Q You wrote it. You made it.</p> <p>5 A Yes.</p> <p>6 Q You know there are quite a few epi studies</p> <p>7 that are not on that list; right?</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: That is correct.</p> <p>10 BY MR. DEARING:</p> <p>11 Q And there are quite a few that aren't on the</p> <p>12 list you made, and there are quite a few that still</p> <p>13 aren't on the list that the lawyer made, the</p> <p>14 supplemental list; right?</p> <p>15 A Please rephrase your question.</p> <p>16 Q Sure.</p> <p>17 Whatever reason, your reference list does not</p> <p>18 include quite a few epidemiology studies; right?</p> <p>19 MS. AHERN: Objection. Form.</p> <p>20 BY MR. DEARING:</p> <p>21 Q We've already established that.</p> <p>22 A We said that, right.</p> <p>23 Q The second list that I got yesterday also</p> <p>24 excludes quite a few epidemiology studies, including</p> <p>25 several meta-analysis studies.</p>	<p>1 incorporated with the human population studies to seem</p> <p>2 to go together in supporting a particular argument.</p> <p>3 Q Are you familiar with the nine Bradford Hill</p> <p>4 considerations that are used to assess the strength of</p> <p>5 proposed causal associations?</p> <p>6 MS. AHERN: Objection to form.</p> <p>7 THE WITNESS: I'm familiar with the Bradford Hill</p> <p>8 criteria, yes.</p> <p>9 BY MR. DEARING:</p> <p>10 Q Are you familiar with the biologic</p> <p>11 plausibility consideration of the Bradford Hill</p> <p>12 assessment?</p> <p>13 A That's what I just explained, I thought.</p> <p>14 Q Okay. That's what I'm asking you. I wanted</p> <p>15 to know is that your interpretation of the Bradford</p> <p>16 Hill criteria or assessment, or is that your,</p> <p>17 Dr. Kurman's, definition of biologic plausibility?</p> <p>18 MS. AHERN: Objection. Form.</p> <p>19 THE WITNESS: That's my interpretation, which is</p> <p>20 what I believe is the criterion spelled out by Bradford</p> <p>21 Hill.</p> <p>22 BY MR. DEARING:</p> <p>23 Q In the term "biologic plausibility," as you've</p> <p>24 just described it, how do you define "plausibility"?</p> <p>25 A I thought I just described it.</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q Well, tell me what you mean by plausibility.</p> <p>2 MS. AHERN: Objection. Form. Asked and answered.</p> <p>3 THE WITNESS: I -- that's -- "plausibility" is a</p> <p>4 very general term. Bradford Hill describes not</p> <p>5 plausibility but biological plausibility, and that's</p> <p>6 what I just said a minute ago is my definition, which I</p> <p>7 thought was an interpretation of the way Bradford Hill</p> <p>8 used it.</p> <p>9 BY MR. DEARING:</p> <p>10 Q To you, is there a difference between biologic</p> <p>11 plausibility and biologic probability?</p> <p>12 MS. AHERN: Objection. Form.</p> <p>13 THE WITNESS: I don't know exactly what biologic</p> <p>14 probability is. I would stick with biologic</p> <p>15 plausibility.</p> <p>16 BY MR. DEARING:</p> <p>17 Q Does biologic plausibility have any</p> <p>18 application to pathology?</p> <p>19 A I think pathology studies could be used for</p> <p>20 evidence of biologic plausibility in the application of</p> <p>21 the Bradford Hill points.</p> <p>22 Q Right. Bradford Hill is an epidemiology</p> <p>23 causation assessment tool; right?</p> <p>24 A Correct.</p> <p>25 Q Right. And you've already said you're not</p>	<p style="text-align: right;">Page 48</p> <p>1 does the word "plausible" mean to you?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: We never use the term "plausible" --</p> <p>4 BY MR. DEARING:</p> <p>5 Q Okay.</p> <p>6 A -- in -- in pathology.</p> <p>7 Q Okay.</p> <p>8 A I've never --</p> <p>9 Q So anytime that word "plausible" or</p> <p>10 "plausibility" comes up today, you're going to be</p> <p>11 discussing it in terms of epidemiological definitions,</p> <p>12 or are you going to use it some other way?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 He's giving you his definition, which is not</p> <p>15 an epidemiologic deposition per se.</p> <p>16 MR. DEARING: I object. That's not true. For one,</p> <p>17 he keeps referring back to what is in the Bradford Hill</p> <p>18 criteria. I don't know what his definition is.</p> <p>19 MS. AHERN: You keep defining Bradford Hill</p> <p>20 criteria as epidemiology. It's not. I think that's</p> <p>21 the confusion here.</p> <p>22 MR. DEARING: Let's ask. Let me ask him. Okay. I</p> <p>23 don't need your commentary, but thank you.</p> <p>24 BY MR. DEARING:</p> <p>25 Q I believe you just testified that the</p>
<p style="text-align: right;">Page 47</p> <p>1 here to talk about epidemiology specifically; right?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: I -- that's what I said.</p> <p>4 BY MR. DEARING:</p> <p>5 Q Okay. So I'm trying to determine whether the</p> <p>6 term "biologic plausibility" has any application to you</p> <p>7 outside the field of epidemiology.</p> <p>8 MS. AHERN: Objection. Form. Asked and answered.</p> <p>9 THE WITNESS: As I mentioned, this litigation is</p> <p>10 about causation, does talc cause ovarian cancer.</p> <p>11 And what virtually everyone agrees is, in</p> <p>12 order to come to a conclusion that it does, is to apply</p> <p>13 the Bradford Hill criteria, of which biologic</p> <p>14 plausibility is one among several that could go along</p> <p>15 to support causation.</p> <p>16 So in that regard, that's the way I'm</p> <p>17 interpreting and using "biologic plausibility."</p> <p>18 BY MR. DEARING:</p> <p>19 Q Do you agree that, in order to establish</p> <p>20 causation, you do not have to satisfy all nine of the</p> <p>21 Bradford Hill considerations?</p> <p>22 A I think that's correct, yes.</p> <p>23 Q I want you for this question, if you would, to</p> <p>24 step out of the world of epidemiology and Bradford Hill</p> <p>25 and just tell me, from a pathologist standpoint, what</p>	<p style="text-align: right;">Page 49</p> <p>1 definition you were giving of "biologic plausibility"</p> <p>2 was what's offered in the Bradford Hill assessment; is</p> <p>3 that right?</p> <p>4 A That's correct.</p> <p>5 Q Okay. Is that also your definition?</p> <p>6 A That's what I said.</p> <p>7 Q Okay. And you don't have any other definition</p> <p>8 of "plausibility" other than the way it is interpreted</p> <p>9 and defined as part of the Bradford Hill assessment?</p> <p>10 MS. AHERN: Objection. Form.</p> <p>11 THE WITNESS: Well, as I said, and I'll repeat it,</p> <p>12 that -- in this litigation, we're attempting to</p> <p>13 determine whether talc causes ovarian cancer. The --</p> <p>14 everyone seems to agree that the Bradford Hill criteria</p> <p>15 is the way to establish that. One of those criteria is</p> <p>16 biologic plausibility.</p> <p>17 My definition of "biologic plausibility" is</p> <p>18 the biologic plausibility that Bradford Hill uses in</p> <p>19 his several points.</p> <p>20 BY MR. DEARING:</p> <p>21 Q And you've articulated that to the best of</p> <p>22 your ability already?</p> <p>23 A Yes.</p> <p>24 Q As part of your methodology that you employed</p> <p>25 in arriving at your expert opinions regarding talcum</p>

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<p style="text-align: right;">Page 50</p> <p>1 powder and ovarian cancer, did you assess whether it is</p> <p>2 biologically plausible for talcum powder to cause</p> <p>3 inflammation?</p> <p>4 A Talcum powder can cause inflammation.</p> <p>5 Q Did you consider biologic plausibility that</p> <p>6 talcum powder could cause inflammation that might be a</p> <p>7 precursor to cancer?</p> <p>8 A For starters, I think it's very important to</p> <p>9 look at chronic inflammation. I've noticed that people</p> <p>10 tend to throw that around. "Chronic inflammation" is a</p> <p>11 very broad term.</p> <p>12 In terms of the talc exposure, it really</p> <p>13 refers to a very specific subtype of chronic</p> <p>14 inflammation -- I alluded to it earlier -- namely</p> <p>15 foreign-body giant cell granulomatous inflammation.</p> <p>16 And that, in my opinion, has not been shown to be</p> <p>17 associated with ovarian cancer.</p> <p>18 Q So are you saying the only type of chronic</p> <p>19 inflammation that might contribute to causing ovarian</p> <p>20 cancer is the giant cell granuloma-type inflammation?</p> <p>21 A No, no.</p> <p>22 MS. AHERN: Objection to form.</p> <p>23 THE WITNESS: That's not what I said.</p> <p>24 BY MR. DEARING:</p> <p>25 Q Okay. Can you repeat what you just --</p>	<p style="text-align: right;">Page 52</p> <p>1 that I ran across that a woman used a -- an</p> <p>2 antiperspirant that contained talc, and she got a</p> <p>3 skin -- a granuloma in her axilla. That would be about</p> <p>4 it.</p> <p>5 Q Giant cell granulomatous inflammation is</p> <p>6 hardly -- is virtually never seen in gynecologic</p> <p>7 tissue; right?</p> <p>8 A Very, very rare is it -- is it seen, that's</p> <p>9 correct.</p> <p>10 Q Is it your testimony that the giant cell</p> <p>11 granulomatous inflammation is the only kind of</p> <p>12 inflammation that might be a precursor for cancer?</p> <p>13 MS. AHERN: Objection. Form. Misstates his</p> <p>14 testimony.</p> <p>15 THE WITNESS: I didn't say that at all.</p> <p>16 BY MR. DEARING:</p> <p>17 Q Okay. What other type of chronic inflammation</p> <p>18 might be a precursor for cancer?</p> <p>19 MS. AHERN: Objection. Form.</p> <p>20 THE WITNESS: In my opinion, inflammation very</p> <p>21 rarely initiates cancer. It can be seen certainly in</p> <p>22 association with cancer, but it's usually -- it</p> <p>23 typically occurs later in the whole process of</p> <p>24 malignancy.</p> <p>25 ///</p>
<p style="text-align: right;">Page 51</p> <p>1 A Sure.</p> <p>2 Q -- tried to explain.</p> <p>3 A I said that chronic inflammation is a very</p> <p>4 broad term. And in the context of this litigation,</p> <p>5 specifically does talc cause ovarian cancer, talc</p> <p>6 causes a very specific -- or I should say induces a</p> <p>7 very specific type of inflammation, which is referred</p> <p>8 to as foreign-body giant cell granulomatous</p> <p>9 inflammation. And that type of inflammation is not</p> <p>10 associated with ovarian cancer.</p> <p>11 Q How do you know that talc used in body powders</p> <p>12 elicits that kind of inflammation that you just</p> <p>13 described, giant cell granuloma inflammation?</p> <p>14 A Well, talc is what's -- what I'm referring to.</p> <p>15 In the literature, talc has been used in a variety of</p> <p>16 situations where it's caused foreign-body giant cell</p> <p>17 granulomatous inflammation.</p> <p>18 Q What are some examples of those situations</p> <p>19 where talc caused that?</p> <p>20 A Pleurodesis.</p> <p>21 Q Okay.</p> <p>22 A Contamination from gloves.</p> <p>23 Q Right.</p> <p>24 A That would be the -- well, sometimes it's been</p> <p>25 seen in creating skin granulomas. I remember one case</p>	<p style="text-align: right;">Page 53</p> <p>1 BY MR. DEARING:</p> <p>2 Q And in that statement, when you use the term</p> <p>3 "inflammation," are you talking giant cell</p> <p>4 granulomatous inflammation, chronic inflammation, or</p> <p>5 something else?</p> <p>6 A I'm --</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 THE WITNESS: I'm not talking about foreign-body</p> <p>9 giant cell granulomatous inflammation, which, as I said</p> <p>10 earlier, I don't see any evidence of causing ovarian</p> <p>11 cancer.</p> <p>12 So when I was referring in a more general</p> <p>13 statement to respond to your question about chronic</p> <p>14 inflammation, I was referring to chronic inflammation</p> <p>15 of a different type.</p> <p>16 BY MR. DEARING:</p> <p>17 Q Okay. You first said when we started talking</p> <p>18 about inflammation, that it's very important to make</p> <p>19 sure we're talking about the same kind of inflammation,</p> <p>20 because they are different types; right?</p> <p>21 A That's correct.</p> <p>22 Q That's why I'm trying to be very specific</p> <p>23 about this.</p> <p>24 Are you aware of any other types of chronic</p> <p>25 inflammation, other than giant cell or granulomatous</p>

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<p>1 inflammation, that can cause cancer?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: We're really talking about, again, my</p> <p>4 testimony specifically concerned with ovarian cancer.</p> <p>5 So I'm not talking about pancreatic cancer, lung</p> <p>6 cancer, stomach cancer.</p> <p>7 I mean, cancers are all different, and I'm not</p> <p>8 going to stand up and tell you -- respond to that</p> <p>9 question because it's a very general question.</p> <p>10 BY MR. DEARING:</p> <p>11 Q I thought it was a very specific question.</p> <p>12 There -- you discuss in your report</p> <p>13 essentially two types of inflammation -- chronic</p> <p>14 inflammation, infectious chronic inflammation and</p> <p>15 noninfectious; right?</p> <p>16 MS. AHERN: Objection. Form.</p> <p>17 THE WITNESS: That's one type.</p> <p>18 BY MR. DEARING:</p> <p>19 Q That's two types.</p> <p>20 A Well, two types.</p> <p>21 Q Okay. Are there any other types of chronic</p> <p>22 inflammation?</p> <p>23 A Just general chronic inflammation not</p> <p>24 associated -- well, infectious or noninfectious, right.</p> <p>25 Q Okay. So breaking inflammation down, there's</p>	<p>1 MS. AHERN: Objection. Form.</p> <p>2 THE WITNESS: I haven't read the other experts, as</p> <p>3 you yourself pointed out. I've read Dr. Kane's</p> <p>4 explanation. And, as I said, her explanation, I</p> <p>5 believe, is invalid and unreliable.</p> <p>6 BY MR. DEARING:</p> <p>7 Q So as you sit here today, you have no idea how</p> <p>8 the plaintiffs, through their experts, are alleging</p> <p>9 talc causes ovarian cancer?</p> <p>10 A I didn't --</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 THE WITNESS: Excuse me. I've interrupted you.</p> <p>13 I didn't read those expert reports. I don't</p> <p>14 know what they said.</p> <p>15 BY MR. DEARING:</p> <p>16 Q I know you haven't read the reports, but are</p> <p>17 you saying that you don't know what the plaintiffs'</p> <p>18 experts are alleging as a mechanistic process of how</p> <p>19 talc causes ovarian cancer?</p> <p>20 MS. AHERN: Objection. Form.</p> <p>21 THE WITNESS: How would I know if I can't read the</p> <p>22 reports? I don't know what they said.</p> <p>23 BY MR. DEARING:</p> <p>24 Q What's your understanding of Dr. Kane's</p> <p>25 opinion on how talc causes ovarian cancer?</p>
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<p>1 two broad types, either infectious or noninfectious;</p> <p>2 right?</p> <p>3 MS. AHERN: Objection.</p> <p>4 Are you talking about foreign body, or are you</p> <p>5 talking about general inflammation?</p> <p>6 THE WITNESS: Right. Foreign-body giant cell</p> <p>7 reaction is a type of -- type of inflammation that can</p> <p>8 be either infectious or noninfectious. But it's</p> <p>9 different than other types of chronic inflammation,</p> <p>10 which may be infectious or noninfectious.</p> <p>11 BY MR. DEARING:</p> <p>12 Q What's your understanding of the plaintiffs'</p> <p>13 experts' explanation for how talc causes chronic</p> <p>14 inflammation which can cause ovarian cancer?</p> <p>15 A You're specifically referring to Dr. Kane?</p> <p>16 Q Well, it's not just Dr. Kane's position, is --</p> <p>17 well, you probably haven't read all the other</p> <p>18 plaintiffs' positions.</p> <p>19 So as you understand it, based on whatever</p> <p>20 you've looked at, what's your understanding of that</p> <p>21 mechanistic process?</p> <p>22 A I believe it's unreliable and invalid.</p> <p>23 Q No, I don't want your commentary. I want what</p> <p>24 do you understand that the plaintiffs' experts are</p> <p>25 alleging.</p>	<p>1 A I just told you. I said I thought it's</p> <p>2 invalid and unreliable.</p> <p>3 Q I'm not asking you for what you think of it.</p> <p>4 I'm asking you what's your understanding of what she is</p> <p>5 saying.</p> <p>6 How does she describe the mechanism of how</p> <p>7 talc causes ovarian cancer?</p> <p>8 A Well, why don't we go through her report, and</p> <p>9 I can discuss those with you.</p> <p>10 Q You don't remember?</p> <p>11 A I want to go through them so we get them</p> <p>12 absolutely right.</p> <p>13 Q I'll come back to it --</p> <p>14 A Okay.</p> <p>15 Q -- because that's a big part of this.</p> <p>16 A Okay.</p> <p>17 Q I just wanted to know what you remembered.</p> <p>18 A Okay.</p> <p>19 Q Is it your opinion that the notion that talc</p> <p>20 can cause chronic inflammation, which can cause ovarian</p> <p>21 cancer, is that process biologically plausible to you?</p> <p>22 A No.</p> <p>23 Q Not the slightest bit?</p> <p>24 A No.</p> <p>25 Q Why do you say that?</p>

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<p>1 A Because, as I -- based on my experience and my</p> <p>2 reviewing of the literatures up to this point, talc</p> <p>3 induces a specific type of chronic inflammation that</p> <p>4 we're terming foreign-body granulomatous inflammation.</p> <p>5 I have never seen that, in all my experience</p> <p>6 in ovarian cancer, foreign-body giant cell reaction.</p> <p>7 So, I mean, I've seen chronic inflammation in ovarian</p> <p>8 cancer. No one would dispute that. But specifically</p> <p>9 the kind of granuloma -- the kind of inflammation</p> <p>10 induced by talc, I have not observed.</p> <p>11 Q Do you know whether you've treated patients or</p> <p>12 performed surgical pathology on patient specimens of</p> <p>13 women who used talcum powder for feminine hygiene</p> <p>14 long-term?</p> <p>15 A I wouldn't know if they haven't used it, but I</p> <p>16 haven't seen any evidence of it when I looked at tissue</p> <p>17 specimens.</p> <p>18 Q So if you're looking at --</p> <p>19 MS. AHERN: David, when you get to a stopping</p> <p>20 point, can we take a potty break.</p> <p>21 MR. DEARING: Sure. Let me just wrap up this.</p> <p>22 MS. AHERN: Sure.</p> <p>23 BY MR. DEARING:</p> <p>24 Q So what you're saying is you don't believe</p> <p>25 that it's biologically plausible that talc can cause</p>	<p>1 carcinomas, due to extrusion of keratin, which can</p> <p>2 produce a foreign-body giant cell reaction. That, I've</p> <p>3 seen.</p> <p>4 I've seen teratomas, nothing to do with the</p> <p>5 litigation we're talking about now. It's a completely</p> <p>6 different kind of tumor. It's a germ cell tumor. And</p> <p>7 I've seen, with extrusion of keratin in those</p> <p>8 instances, a foreign-body giant cell reaction.</p> <p>9 Apart from those instances and maybe suture</p> <p>10 granulomas, which, again, are pretty obvious, I haven't</p> <p>11 seen that type of reaction in association with ovarian</p> <p>12 cancer during my entire career.</p> <p>13 BY MR. DEARING:</p> <p>14 Q And are you saying you haven't seen that type</p> <p>15 of inflammatory reaction in gynecologic tissue to any</p> <p>16 foreign particle?</p> <p>17 A Well --</p> <p>18 MS. AHERN: Objection. Form.</p> <p>19 THE WITNESS: -- as I just said --</p> <p>20 BY MR. DEARING:</p> <p>21 Q Except for sutures?</p> <p>22 A Suture granulomas and the keratin that I</p> <p>23 mentioned, which is --</p> <p>24 Q That's endogenous?</p> <p>25 A Yeah, but it -- yeah, okay. Aside from that,</p>
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<p>1 chronic inflammation that can cause ovarian cancer</p> <p>2 because you've never seen it; right?</p> <p>3 MS. AHERN: Objection. Form.</p> <p>4 THE WITNESS: We need to specifically say again the</p> <p>5 kind of inflammation I'm talking about is foreign-body</p> <p>6 giant cell inflammation, which is the type of</p> <p>7 inflammation that's implicated with talc exposure.</p> <p>8 Talc doesn't produce other types of chronic</p> <p>9 inflammation.</p> <p>10 BY MR. DEARING:</p> <p>11 Q Again, you said you've never seen, in your</p> <p>12 career, a chronic inflammatory response to talc like</p> <p>13 giant cell granulomas in gynecologic tissue; is that</p> <p>14 what you are saying?</p> <p>15 A That's correct.</p> <p>16 Q So my question is, you're saying it's not</p> <p>17 biologically plausible because you've never seen it;</p> <p>18 right?</p> <p>19 MS. AHERN: Objection. Form.</p> <p>20 THE WITNESS: Is that your question?</p> <p>21 I've spent, as I said, 40 years looking at</p> <p>22 gynecologic pathology specimens, including a large</p> <p>23 number of ovarian cancers, and I have never seen a</p> <p>24 foreign body -- I've seen a foreign-body giant cell</p> <p>25 reaction in rare ovarian tumors, endometrial</p>	<p>1 I can't recall seeing anything, no.</p> <p>2 Q So aside from surgical sutures --</p> <p>3 A Uh-huh.</p> <p>4 Q -- you've never seen a giant cell</p> <p>5 granulomatous foreign-body reaction in gynecologic</p> <p>6 tissue?</p> <p>7 A Again, I mentioned the keratin --</p> <p>8 Q I'm sorry. Responding to foreign material?</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: That's correct.</p> <p>11 MR. DEARING: Want to take a break?</p> <p>12 MS. AHERN: Thank you.</p> <p>13 VIDEO OPERATOR BROWN: The time is now 10:31.</p> <p>14 Going off the record.</p> <p>15 (Recess taken.)</p> <p>16 VIDEO OPERATOR BROWN: Time is now 10:53. Back on</p> <p>17 the record.</p> <p>18 BY MR. DEARING:</p> <p>19 Q Right before the break, Doctor, you made a</p> <p>20 statement to the effect of "Talc doesn't produce other</p> <p>21 types of chronic inflammation that can cause cancer."</p> <p>22 Did you say something like that?</p> <p>23 A That's -- that's what I said.</p> <p>24 Q So what other types of inflammation do cause</p> <p>25 cancer that you're referring to?</p>

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<p>1 A Well, again, in the ovary, there's absolutely</p> <p>2 no evidence that inflammation causes cancer. I want to</p> <p>3 be clear about that. Now, there may be other tumors</p> <p>4 where it plays a role, but those are not things that</p> <p>5 I'm familiar with.</p> <p>6 Q So are you saying that it's not biologically</p> <p>7 plausible that other types of inflammation can cause</p> <p>8 ovarian cancer?</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: I said I haven't observed it and I</p> <p>11 wasn't aware of anything in the literature that showed</p> <p>12 chronic inflammation causing ovarian cancer.</p> <p>13 BY MR. DEARING:</p> <p>14 Q So because you haven't observed it, is it your</p> <p>15 opinion that it's not biologically plausible?</p> <p>16 MS. AHERN: Objection. Form. Misstates his</p> <p>17 testimony.</p> <p>18 THE WITNESS: Well, as I said, I haven't seen it</p> <p>19 nor have I read any paper that has indicated that it</p> <p>20 was a causative factor of ovarian cancer.</p> <p>21 BY MR. DEARING:</p> <p>22 Q And the question is, is it biologically</p> <p>23 plausible?</p> <p>24 MS. AHERN: Objection. Form.</p> <p>25 THE WITNESS: Insofar as what the literature has</p>	<p>1 Q And when I -- so my question is, the talc that</p> <p>2 you're referring to that elicits that type of response</p> <p>3 is talc left behind from either a surgical tool or a</p> <p>4 surgical glove or something like that; right?</p> <p>5 MS. AHERN: Objection. Form.</p> <p>6 THE WITNESS: That's correct.</p> <p>7 BY MR. DEARING:</p> <p>8 Q And do you agree that the talc used</p> <p>9 industrially for surgical gloves back in the '70s and</p> <p>10 before, and potentially contaminating a surgical tool,</p> <p>11 is different than cosmetic talc in baby powder?</p> <p>12 MS. AHERN: Objection. Form.</p> <p>13 THE WITNESS: I'm not exactly sure of that. This</p> <p>14 is something that I don't have expertise in. I would</p> <p>15 defer to a mineralogist to describe the references</p> <p>16 between what you describe as industrial and cosmetic</p> <p>17 talc.</p> <p>18 BY MR. DEARING:</p> <p>19 Q Just to close the circle, is it your opinion</p> <p>20 that it's not biologically plausible that any type of</p> <p>21 chronic inflammation can cause ovarian cancer?</p> <p>22 A As I said, I've seen no evidence of chronic</p> <p>23 inflammation causing ovarian cancer.</p> <p>24 Q My question is, is it biologically plausible,</p> <p>25 in your opinion, that some type of inflammation can</p>
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<p>1 described about the type of inflammation induced by</p> <p>2 talc, which has never shown any evidence of causing</p> <p>3 cancer, I would say it's not plausible.</p> <p>4 BY MR. DEARING:</p> <p>5 Q And the type of inflammation caused by talc</p> <p>6 that you're referring to is talc typically left inside</p> <p>7 the body from a contaminated surgical tool, for</p> <p>8 example, surgical gloves maybe back in the day when</p> <p>9 they still had talc; right?</p> <p>10 A Yeah.</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 BY MR. DEARING:</p> <p>13 Q So you're not suggesting that cosmetic-grade</p> <p>14 baby powder talc is the type of talc that you're</p> <p>15 referring to that you've seen these other inflammatory</p> <p>16 responses to; right?</p> <p>17 MS. AHERN: Objection. Form.</p> <p>18 THE WITNESS: Please repeat -- rephrase that</p> <p>19 question.</p> <p>20 MR. DEARING: Sure.</p> <p>21 BY MR. DEARING:</p> <p>22 Q You said you expect the inflammatory response</p> <p>23 to talc to be giant cell granulomatous foreign-body</p> <p>24 response; right?</p> <p>25 A Yes.</p>	<p>1 cause ovarian cancer?</p> <p>2 A Well, as I haven't seen it --</p> <p>3 MS. AHERN: Objection. Form.</p> <p>4 THE WITNESS: -- and I haven't read about it, I --</p> <p>5 and it's been studied, I would say it's not</p> <p>6 biologically plausible.</p> <p>7 BY MR. DEARING:</p> <p>8 Q What methodology do you use to reach</p> <p>9 conclusions about biologic plausibility?</p> <p>10 A Well, to begin with, as I said early on in the</p> <p>11 deposition, I have spent 40 years looking at</p> <p>12 gynecologic pathology, which ovarian cancer is one of</p> <p>13 those. I have read extensively and kept up with the</p> <p>14 literature. I've edited the third, fourth, fifth,</p> <p>15 sixth, and in the process of the seventh edition, of</p> <p>16 Blaustein's pathology textbook.</p> <p>17 I was the lead author on the 2014 WHO</p> <p>18 classification of ovarian cancer.</p> <p>19 I participate in meetings, both domestically</p> <p>20 and internationally. I review papers, as we discussed</p> <p>21 earlier.</p> <p>22 So I think all of that together amounts to the</p> <p>23 way I evaluate biological plausibility.</p> <p>24 Q Is that a complete description of your</p> <p>25 methodology used to evaluate biologic plausibility?</p>

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<p>1 A Well, as I mentioned also, in this particular</p> <p>2 case, I reviewed what Dr. Kane claimed or alleged that</p> <p>3 were causative agents. I review those papers</p> <p>4 specifically. So that in addition to everything else I</p> <p>5 described.</p> <p>6 Q So your methodology for evaluating biologic</p> <p>7 plausibility is your reliance on your experience, your</p> <p>8 review of the literature, your publication literature,</p> <p>9 I guess, and your review of other expert opinions on</p> <p>10 it?</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 BY MR. DEARING:</p> <p>13 Q Did I leave anything out?</p> <p>14 A I think that pretty much covers it.</p> <p>15 Q And, of course, you haven't published on talc</p> <p>16 and ovarian cancer?</p> <p>17 A That's correct.</p> <p>18 Q And you think that's a complete, sound,</p> <p>19 reliable methodology for assessing plausible --</p> <p>20 biologic plausibility?</p> <p>21 A Please repeat the question.</p> <p>22 Q Sure.</p> <p>23 Do you think that that is a complete and</p> <p>24 reliable methodology for assessing plausible --</p> <p>25 biologic plausibility?</p>	<p>1 have.</p> <p>2 BY MR. DEARING:</p> <p>3 Q Okay. Do you agree that inert particles can</p> <p>4 cause an inflammatory response that could trigger or be</p> <p>5 a precursor to cancer?</p> <p>6 MS. AHERN: Objection. Form.</p> <p>7 THE WITNESS: As I just said, again, I think we</p> <p>8 specifically -- in this litigation referring to talc as</p> <p>9 an inert substance that does not produce an</p> <p>10 inflammatory reaction that can cause ovarian cancer.</p> <p>11 BY MR. DEARING:</p> <p>12 Q I understand that about talc and that's your</p> <p>13 opinion.</p> <p>14 My question is just because a foreign particle</p> <p>15 is inert doesn't mean that it can't cause a</p> <p>16 foreign-body inflammatory reaction that could be a</p> <p>17 precursor lesion to cancer; right?</p> <p>18 MS. AHERN: Objection. Form.</p> <p>19 THE WITNESS: No, I disagree with that.</p> <p>20 BY MR. DEARING:</p> <p>21 Q Well, you would agree that talc does elicit an</p> <p>22 inflammatory response in tissue; right?</p> <p>23 A A specific type of inflammatory reaction, we</p> <p>24 described foreign-body giant cell granulomatous</p> <p>25 reaction, yes.</p>
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<p>1 A I believe it is, yes.</p> <p>2 Q On page 13 of your report -- and I don't know</p> <p>3 if you need to look this up. You use the word "inert."</p> <p>4 You suggest that talc is inert.</p> <p>5 I just want to know, what does "inert" mean to</p> <p>6 you?</p> <p>7 A Well, I relied upon -- and I think IARC used</p> <p>8 that exact same terminology, in fact. And I think in</p> <p>9 contrast to an inflammatory agent, for example, which</p> <p>10 elicits more of a systemic immune response, talc is</p> <p>11 very localized and it induces the migration of</p> <p>12 macrophages, which then become histiocytes in tissue</p> <p>13 which surround it and engulf it but don't elicit an</p> <p>14 immune kind of response. So, in that respect, I think</p> <p>15 it is, quote/unquote, inert.</p> <p>16 Q What do you mean by "immune kind of response"?</p> <p>17 A Well, where -- antigen-presenting cells,</p> <p>18 lymphocytes. Lymphocytes induce various types of</p> <p>19 reactions in response to an infectious agent, for</p> <p>20 example. That's not -- that doesn't occur with talc.</p> <p>21 Q So you told me why you think talc is inert,</p> <p>22 but what does it mean to be inert? How do you define</p> <p>23 "inert," just the word?</p> <p>24 MS. AHERN: Objection. Form.</p> <p>25 THE WITNESS: Well, I can't do any better than I</p>	<p>1 Q And so if a large talc particle in the</p> <p>2 peritoneal cavity elicits an inflammatory giant cell</p> <p>3 granulomatous response and that inflammation is</p> <p>4 chronic, can't that chronic inflammatory response</p> <p>5 evolve into a lesion or a precursor lesion for cancer?</p> <p>6 MS. AHERN: Objection. Form. Assumes facts.</p> <p>7 THE WITNESS: Could you break that? It was a</p> <p>8 complex question.</p> <p>9 BY MR. DEARING:</p> <p>10 Q It was a slow question, but it's a simple</p> <p>11 question.</p> <p>12 A Okay.</p> <p>13 Q If a large talc particle is left in the</p> <p>14 peritoneal cavity and evokes the type of response that</p> <p>15 you say it should, a inflammatory giant cell</p> <p>16 granulomatous foreign-body response, and it becomes a</p> <p>17 chronic condition, can't that be a precursor lesion to</p> <p>18 cancer, some kind of peritoneal cancer?</p> <p>19 MS. AHERN: Objection.</p> <p>20 THE WITNESS: I don't believe that's true. It's</p> <p>21 been demonstrated, as you've alluded to before,</p> <p>22 surgical gloves can introduce talc into the peritoneal</p> <p>23 cavity. And I'm not aware of any cancer that's been</p> <p>24 associated or induced by that contamination of talc in</p> <p>25 the peritoneal cavity.</p>

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<p>1 BY MR. DEARING:</p> <p>2 Q Do you agree with me that inert particles can</p> <p>3 evoke a chronic inflammatory response, foreign-body</p> <p>4 response, in the body?</p> <p>5 A As I said, inert particles induce a</p> <p>6 foreign-body giant cell reaction of the sort -- similar</p> <p>7 to what talc does.</p> <p>8 Q Do you agree that talc causes inflammation in</p> <p>9 epithelial ovarian cells?</p> <p>10 A No.</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 THE WITNESS: I don't.</p> <p>13 BY MR. DEARING:</p> <p>14 Q Do you believe that talc can cause</p> <p>15 inflammation in any kind of ovarian cells?</p> <p>16 A Talc produce -- what kind of ovarian cell are</p> <p>17 we talking about, for starters?</p> <p>18 Q Well, any kind you want to identify. Any</p> <p>19 kind -- let me ask it again.</p> <p>20 Do you have any opinions about whether</p> <p>21 exposure to talc could cause any type of reaction in</p> <p>22 any type of ovarian cells?</p> <p>23 A I've never seen any evidence of that or read</p> <p>24 any evidence of that.</p> <p>25 Q Does that mean you don't think that's</p>	<p>1 So the fact that it might show some reaction</p> <p>2 in epithelial cells of the ovary, which some biologic</p> <p>3 studies -- in vitro studies have shown, doesn't have</p> <p>4 anything to do with causation of ovarian cancer.</p> <p>5 BY MR. DEARING:</p> <p>6 Q I realize that's your opinion and you've</p> <p>7 published that, even. But you agree with me that not</p> <p>8 all gynecologic pathologists agree with you that</p> <p>9 invasive ovarian carcinomas start in the fallopian</p> <p>10 tube?</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 THE WITNESS: Could you define which kind of</p> <p>13 carcinomas you're talking about?</p> <p>14 BY MR. DEARING:</p> <p>15 Q Sure. Let's start with serous invasive</p> <p>16 carcinomas. You believe that's those typically start</p> <p>17 in the fallopian tubes; right?</p> <p>18 A Low-grade or high-grade?</p> <p>19 Q High-grade.</p> <p>20 A High-grade, I believe, start in the fallopian</p> <p>21 tube.</p> <p>22 Q And you would agree with not all gynecologic</p> <p>23 pathologists degree with you on that; right?</p> <p>24 A The consensus at this point in time, 2019, is</p> <p>25 that a vast, vast majority of pathologists believe that</p>
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<p>1 biologically plausible because you have never seen it?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: Let me -- when you're talking</p> <p>4 about -- you know, the ovary is a complex organ.</p> <p>5 Contains germ cells, contains stromal cells, contains</p> <p>6 surface epithelial cells.</p> <p>7 Which cells are you actually talking about?</p> <p>8 BY MR. DEARING:</p> <p>9 Q I'm talking about any type of ovarian cell.</p> <p>10 I'm leaving it up to you to use any cell you like. Are</p> <p>11 you telling me that talc causes no reaction in any type</p> <p>12 of ovarian cell that you know of?</p> <p>13 A Well, there have been in vitro studies which</p> <p>14 have used ovarian cells and shown some reaction, if</p> <p>15 that's what you mean. I've seen that.</p> <p>16 Q Have you seen any studies that suggest that</p> <p>17 epithelial cells exposed to talc undergo neoplastic</p> <p>18 changes?</p> <p>19 MS. AHERN: Objection. Form.</p> <p>20 THE WITNESS: I think it is important to point out,</p> <p>21 before we get all hung up on ovarian epithelial cells,</p> <p>22 that if we are talking about -- which, basically, we're</p> <p>23 talking about causation -- is that ovarian cancer does</p> <p>24 not start from ovarian epithelial cells; it starts from</p> <p>25 fallopian tube cells.</p>	<p>1 ovarian -- high-grade serous carcinoma begins in</p> <p>2 fallopian tube epithelium.</p> <p>3 Q Vast, vast majority of them believe that? Is</p> <p>4 that what you are saying?</p> <p>5 A Well, including your plaintiffs' expert, Susan</p> <p>6 Kane -- Sarah Kane.</p> <p>7 Q I understand.</p> <p>8 We'll come back to that.</p> <p>9 Is it your testimony that it's not</p> <p>10 biologically plausible that talc could cause any type</p> <p>11 of inflammatory reaction in any type of ovarian cell?</p> <p>12 MS. AHERN: Objection. Form.</p> <p>13 THE WITNESS: Well, as I've said, there are some</p> <p>14 in vitro studies in which exposure to talc has resulted</p> <p>15 in some proliferation and -- excuse me. I take that</p> <p>16 back, proliferation -- expression of some markers that</p> <p>17 are markers of inflammation. Those studies I won't get</p> <p>18 into it because I'm not, as I said, a bench scientist.</p> <p>19 BY MR. DEARING:</p> <p>20 Q So there is some evidence that some ovarian</p> <p>21 cells will respond in an inflammatory way to talc</p> <p>22 exposure?</p> <p>23 MS. AHERN: Objection. Form.</p> <p>24 BY MR. DEARING:</p> <p>25 Q Is that what you are saying? There are</p>

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<p>1 studies.</p> <p>2 A That's what I said just now.</p> <p>3 Q Okay. Just making sure I understand.</p> <p>4 Do you agree that asbestos is a known human</p> <p>5 carcinogen?</p> <p>6 A Yes, I --</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 THE WITNESS: Yes, I agree that asbestos is a known</p> <p>9 carcinogen.</p> <p>10 BY MR. DEARING:</p> <p>11 Q And you're familiar with IARC, right, the</p> <p>12 International Agency for Research on Cancer?</p> <p>13 A I -- well, I am, yes.</p> <p>14 Q And it's an international intergovernmental</p> <p>15 agency created in 1965; right?</p> <p>16 MS. AHERN: Objection. Form.</p> <p>17 THE WITNESS: I don't know when it was created, but</p> <p>18 I'm familiar with IARC.</p> <p>19 BY MR. DEARING:</p> <p>20 Q And it forms part of the World Health</p> <p>21 Organization, which is part of the United Nations;</p> <p>22 right?</p> <p>23 A It's part of the World Health Organization.</p> <p>24 Q And there are 25 member nations, and it's made</p> <p>25 up of probably a thousand or more scientists.</p>	<p>1 second.</p> <p>2 I have -- no, I can't say that I have looked</p> <p>3 at their mission statement.</p> <p>4 Q Okay. Well, in the second paragraph, it says:</p> <p>5 "The objective of the IARC is to</p> <p>6 promote international collaboration in</p> <p>7 cancer research. The agency is</p> <p>8 interdisciplinary, bringing together</p> <p>9 skills in epidemiology, laboratory</p> <p>10 sciences, and biostatistics to identify</p> <p>11 the causes of cancer so that</p> <p>12 preventative -- preventive measures may</p> <p>13 be adopted and the burden of disease and</p> <p>14 associated suffering reduced. A</p> <p>15 significant feature of the IARC is its</p> <p>16 expertise in coordinating research</p> <p>17 across countries and organizations. Its</p> <p>18 independent role as an international</p> <p>19 organization facilitates this activity.</p> <p>20 The agency has a particular interest in</p> <p>21 conducting research in low- and</p> <p>22 middle-income countries through</p> <p>23 partnerships and collaborations with</p> <p>24 researchers in these regions."</p> <p>25 Is that your understanding of IARC's mission?</p>
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<p>1 Would you agree with that?</p> <p>2 A You'd have to show me the data for that. I</p> <p>3 don't know.</p> <p>4 Q Okay. Well, would you agree it's made up of</p> <p>5 at least hundreds of scientists?</p> <p>6 MS. AHERN: Objection. Form.</p> <p>7 THE WITNESS: I want to see what you're talking</p> <p>8 about. I don't know how many are involved.</p> <p>9 (The document referenced below was</p> <p>10 marked Deposition Exhibit 3 for</p> <p>11 identification and is appended hereto.)</p> <p>12 BY MR. DEARING:</p> <p>13 Q I'm handing you Exhibit 3, which is taken from</p> <p>14 the IARC website, and it identifies IARC's mission</p> <p>15 statement.</p> <p>16 Have you ever seen that before?</p> <p>17 MS. AHERN: Objection to the document. Does it</p> <p>18 have a date?</p> <p>19 MR. DEARING: Well, I printed it off yesterday, but</p> <p>20 no.</p> <p>21 MS. AHERN: Okay.</p> <p>22 BY MR. DEARING:</p> <p>23 Q Have you ever looked at IARC's mission</p> <p>24 statement before?</p> <p>25 A I can't -- hmm. I got twisted up here for a</p>	<p>1 A Well --</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: -- that's what it states.</p> <p>4 BY MR. DEARING:</p> <p>5 Q Do you have any --</p> <p>6 A I have no reason --</p> <p>7 Q -- that that's not --</p> <p>8 A -- to argue with it.</p> <p>9 Q Okay. Are you aware that in 2009 IARC issued</p> <p>10 a monograph that stated that there is sufficient</p> <p>11 evidence now available to show that asbestos causes</p> <p>12 cancer of the ovary?</p> <p>13 A I am aware of it. I would question their</p> <p>14 methodology and who the individuals were on that</p> <p>15 committee that came to that conclusion, because, in</p> <p>16 looking at that, and I am familiar with it, I had</p> <p>17 significant issues with the -- their methodology that</p> <p>18 they used and the conclusions that they drew from that.</p> <p>19 Q Do you believe asbestos can cause ovarian</p> <p>20 cancer?</p> <p>21 A At this point, I do not believe that's the</p> <p>22 case.</p> <p>23 Q That same monograph states that "Studies</p> <p>24 suggest that asbestos can accumulate in the ovaries of</p> <p>25 women who are exposed to it."</p>

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<p>1 Do you agree with that statement?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: The -- as I recall, those studies</p> <p>4 that they're citing were inhalation studies of very --</p> <p>5 of occupational -- of people that were exposed</p> <p>6 occupationally or environmentally to very high doses of</p> <p>7 asbestos and which bear -- nothing to do with perineal</p> <p>8 exposure.</p> <p>9 BY MR. DEARING:</p> <p>10 Q The question is do you agree that studies</p> <p>11 suggest that asbestos can accumulate in the ovaries of</p> <p>12 women who are exposed to it?</p> <p>13 A I'd have to see the studies where it shows</p> <p>14 that.</p> <p>15 Q So you don't have an opinion on that?</p> <p>16 A No. I said I'd like to see the studies. I</p> <p>17 don't believe -- I'd like to see it.</p> <p>18 Q I don't have them.</p> <p>19 A Okay.</p> <p>20 Q So I'm asking do you have an opinion on that.</p> <p>21 A My opinion is, as I said earlier, asbestos</p> <p>22 does not cause ovarian cancer.</p> <p>23 (The document referenced below was</p> <p>24 marked Deposition Exhibit 4 for</p> <p>25 identification and is appended hereto.)</p>	<p>1 tumor site for chromium cancer; right?</p> <p>2 A Yes.</p> <p>3 Q And then right below that is nickel, nickel</p> <p>4 compounds, is identified as a Group 1 agent. And it</p> <p>5 identifies tumor sites for which there is sufficient</p> <p>6 evidence in humans as lungs, nasal cavity, and</p> <p>7 paranasal sinuses.</p> <p>8 Do you agree?</p> <p>9 A I see that.</p> <p>10 Q Do you agree that arsenic, chromium, and</p> <p>11 nickel are known human carcinogens?</p> <p>12 A Well, according to IARC, they are.</p> <p>13 Q Do you agree that they are?</p> <p>14 A I agree with IARC on that.</p> <p>15 Q And then right below that, another Group 1</p> <p>16 agent, it says asbestos. And then it identifies --</p> <p>17 one, two, three, four -- six types of asbestos. And it</p> <p>18 states the tumor sites for which there is sufficient</p> <p>19 evidence in humans are lung, mesothelioma, larynx, and</p> <p>20 ovary.</p> <p>21 And are you saying now that you disagree that</p> <p>22 the ovary -- that this is sufficient evidence that</p> <p>23 asbestos can cause cancer in the ovaries?</p> <p>24 A I agree that the -- I agree with what I said</p> <p>25 earlier, that the evidence upon which IARC came to the</p>
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<p>1 BY MR. DEARING:</p> <p>2 Q This is Exhibit 4, and this is the monograph</p> <p>3 I'm referring to.</p> <p>4 If you look at -- have you seen this before,</p> <p>5 this monograph? This is where those statements came</p> <p>6 from.</p> <p>7 A I have seen the monograph, I don't</p> <p>8 specifically recall this page.</p> <p>9 Q Okay. Well, look at the bottom of it, that</p> <p>10 table. And do you see -- these are Group 1 agents, and</p> <p>11 IARC defines Group 1 agents as known human carcinogens;</p> <p>12 right?</p> <p>13 A Yes, correct.</p> <p>14 Q And it identifies, first of all, arsenic as a</p> <p>15 known human carcinogen, and it identifies tumor sites</p> <p>16 for which there is sufficient evidence of human</p> <p>17 carcinogenicity as lungs, skin, urinary bladder.</p> <p>18 Do you see that?</p> <p>19 A In the second column I see lungs, skin, yes,</p> <p>20 urinary bladder. Uh-huh.</p> <p>21 Q And a little bit further down it identifies</p> <p>22 chromium as a Group 1 carcinogenic.</p> <p>23 Do you see that?</p> <p>24 A I do.</p> <p>25 Q And it identifies the lung as a potential</p>	<p>1 conclusion about ovarian cancer has significant issues</p> <p>2 that I would argue with.</p> <p>3 Q That's not my question. My question is do you</p> <p>4 agree that asbestos can cause cancer in the ovary, like</p> <p>5 IARC says?</p> <p>6 MS. AHERN: Objection. Form. Asked and answered.</p> <p>7 THE WITNESS: I just said I don't agree that it</p> <p>8 causes ovarian cancer.</p> <p>9 BY MR. DEARING:</p> <p>10 Q Do you -- if you move over to the fourth</p> <p>11 column under asbestos, it describes the established</p> <p>12 mechanistic events that cause the cancer. And it says</p> <p>13 the asbestos causes "impaired fiber clearance leading</p> <p>14 to macrophage activation, inflammation, generation of</p> <p>15 reactive oxygen and nitrogen species, tissue injury,</p> <p>16 genotoxicity, aneuploidy and polyploidy epigenetic</p> <p>17 alteration, activation of signaling pathways,</p> <p>18 resistances to apoptosis."</p> <p>19 So do you agree asbestos can cause lung</p> <p>20 cancer?</p> <p>21 A Yes.</p> <p>22 Q Do you agree that that's the mechanism by</p> <p>23 which asbestos can cause lung cancer?</p> <p>24 MS. AHERN: Objection.</p> <p>25 THE WITNESS: I should clarify what I just said a</p>

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<p>1 moment ago using the term "cancer." And what I would</p> <p>2 say is that asbestos is primary -- causes</p> <p>3 mesotheliomas, which is a type of cancer but is very</p> <p>4 different from adenocarcinoma or squamous cell</p> <p>5 carcinoma of the lung, and which asbestos is -- plays</p> <p>6 maybe a contributory role, but certainly not the major</p> <p>7 role.</p> <p>8 BY MR. DEARING:</p> <p>9 Q Okay. So my question is do you believe that</p> <p>10 asbestos can cause mesothelioma or other lung cancers</p> <p>11 by the mechanism that's described in this table?</p> <p>12 MS. AHERN: Objection. Form.</p> <p>13 THE WITNESS: Well, I'm not an expert on</p> <p>14 mesothelioma and asbestosis. However, I would agree</p> <p>15 that asbestos causes mesothelioma -- pleural</p> <p>16 mesothelioma and potentially these mechanisms might</p> <p>17 explain it, but I haven't studied it.</p> <p>18 BY MR. DEARING:</p> <p>19 Q So you say that might be the mechanism, but</p> <p>20 you just don't know?</p> <p>21 A Well, I haven't studied it. I don't</p> <p>22 specialize in asbestosis.</p> <p>23 Q I'm not faulting you. I'm just saying you're</p> <p>24 saying that could be, but you don't know. Does that</p> <p>25 mean you don't have a concrete opinion on that, whether</p>	<p>1 BY MR. DEARING:</p> <p>2 Q Are you aware of other cancers or do you have</p> <p>3 knowledge to explain whether other cancers may be</p> <p>4 caused by this mechanistic process described by IARC</p> <p>5 pertaining to asbestos?</p> <p>6 A Again, I mean, with established mechanistic</p> <p>7 events, things like resistance to apoptosis, activation</p> <p>8 of signaling pathways, epigenetic alteration,</p> <p>9 genotoxicity, these are general mechanisms that have</p> <p>10 been implicated in the development of cancer in</p> <p>11 general.</p> <p>12 Q So looking at this mechanism that's described</p> <p>13 by IARC, it says, "Impaired fiber clearance leading to</p> <p>14 macrophage activation."</p> <p>15 Do you agree that macrophage activation is a</p> <p>16 foreign-body response in the body?</p> <p>17 MS. AHERN: Objection. Form.</p> <p>18 THE WITNESS: Macrophages can be induced by a</p> <p>19 variety of -- well, of course, you mentioned</p> <p>20 foreign-body giant cell reaction, but other types of</p> <p>21 inflammation can also induce the presence of</p> <p>22 macrophages.</p> <p>23 BY MR. DEARING:</p> <p>24 Q And giant cell granulomas are an agglomeration</p> <p>25 of macrophages; right?</p>
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<p>1 that's the mechanism that causes mesothelioma?</p> <p>2 A Well, these are the mechanisms that IARC</p> <p>3 describes which, you know, may be reasonable. But,</p> <p>4 again, I don't have direct personal experience with</p> <p>5 that. So I can't confirm every one of these features.</p> <p>6 Q Okay. It also suggests that asbestos causes</p> <p>7 cancer in the larynx.</p> <p>8 Do you agree that -- that that's true?</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: I really don't know about the</p> <p>11 laryngeal carcinoma.</p> <p>12 BY MR. DEARING:</p> <p>13 Q It also says there are possibly other sites</p> <p>14 where asbestos causes cancer -- the colorectum, the</p> <p>15 pharynx, the stomach.</p> <p>16 Do you have any opinion about whether asbestos</p> <p>17 causes cancer in those organs?</p> <p>18 A Again, these are areas that I'm not -- I have</p> <p>19 no involvement with. So I can't really comment.</p> <p>20 Q Are you aware of other cancers that are caused</p> <p>21 by this mechanistic process that's described here by</p> <p>22 IARC for asbestos?</p> <p>23 MS. AHERN: Objection. Form.</p> <p>24 THE WITNESS: Could you rephrase that question?</p> <p>25 MR. DEARING: Sure.</p>	<p>1 A Well, in the tissue, they're referred to</p> <p>2 histiocytes, but they're basically macrophages.</p> <p>3 Q So a giant cell is a joined group of</p> <p>4 macrophages; right?</p> <p>5 A Correct.</p> <p>6 Q So according to this mechanism described by</p> <p>7 IARC, macrophage activation occurs, which appears to be</p> <p>8 defined as inflammation.</p> <p>9 Would you agree that that's what they mean</p> <p>10 there by saying "inflammation"?</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 THE WITNESS: Well, as I said just a moment ago,</p> <p>13 macrophage activation can occur with a variety of</p> <p>14 inflammatory reactions, not just only foreign-body</p> <p>15 giant cell.</p> <p>16 BY MR. DEARING:</p> <p>17 Q Okay. Macrophage activation is a type of</p> <p>18 inflammation; right? Is that a fair statement?</p> <p>19 A Not really. It's part of the inflammatory</p> <p>20 reaction. There are other cells as well --</p> <p>21 lymphocytes, plasma cells, eosinophils,</p> <p>22 polymorphonuclear leukocytes. Macrophages are one type</p> <p>23 of cell involved in inflammation.</p> <p>24 Q And then do you agree that inflammation can</p> <p>25 lead to the generation of reactive oxygen and nitrogen</p>

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<p>1 species?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 BY MR. DEARING:</p> <p>4 Q Is that outside your specialty?</p> <p>5 A Again, I mean, I've read enough about that to</p> <p>6 know that, yes, macrophage activation could induce</p> <p>7 reactive oxygen species.</p> <p>8 Q And reactive nitrogen species.</p> <p>9 A And reactive nitrogen species.</p> <p>10 Q And can reactive oxygen species and reactive</p> <p>11 nitrogen species damage DNA?</p> <p>12 A Can it damage DNA? Yes.</p> <p>13 Q And damaging, DNA, of course, can cause</p> <p>14 uncontrolled proliferation of cells; correct?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: Well --</p> <p>17 BY MR. DEARING:</p> <p>18 Q I know there's some steps in between, but I'm</p> <p>19 trying to speed this up.</p> <p>20 MS. AHERN: Same objection.</p> <p>21 THE WITNESS: Well, involvement -- interjection of</p> <p>22 a certain agent into DNA can cause DNA damage, that's</p> <p>23 true.</p> <p>24 BY MR. DEARING:</p> <p>25 Q I'm not talking about certain agents. I'm</p>	<p>1 BY MR. DEARING:</p> <p>2 Q So thank goodness you can have DNA damage</p> <p>3 without cancer, but you can't have cancer without DNA</p> <p>4 damage; right?</p> <p>5 MS. AHERN: Objection. Form.</p> <p>6 THE WITNESS: As far as I know, all cancers are</p> <p>7 part of -- part of the development of cancer is</p> <p>8 dependent on damage -- or I should say genotoxicity,</p> <p>9 which means damage in DNA in some form.</p> <p>10 BY MR. DEARING:</p> <p>11 Q And resistance to apoptosis can also be a</p> <p>12 result of DNA damage; right? That's part of the</p> <p>13 problem with cancer is the cells don't -- they lose</p> <p>14 their programmed ability to self-destruct; right?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: That's one of the factors in</p> <p>17 carcinogenesis, one of the factors.</p> <p>18 BY MR. DEARING:</p> <p>19 Q But that resistance to apoptosis is a result</p> <p>20 of DNA damage; right?</p> <p>21 MS. AHERN: Objection. Form.</p> <p>22 THE WITNESS: Generally speaking, it's an</p> <p>23 activation of a suppressor gene called p53, maybe some</p> <p>24 other genes as well.</p> <p>25 ///</p>
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<p>1 talking specifically about reactive oxygen species and</p> <p>2 reactive nitrogen species. Those agents can damage</p> <p>3 DNA; right?</p> <p>4 A Yes, they can.</p> <p>5 Q And then cells with damaged DNA can become</p> <p>6 cancer cells, can't they?</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 THE WITNESS: Not necessarily. Not all of them do.</p> <p>9 Some might.</p> <p>10 BY MR. DEARING:</p> <p>11 Q Well, would you agree that all cancers are</p> <p>12 borne out of some genetic disruption?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: The issue is it plays a role in</p> <p>15 carcinogenesis. But DNA damage, in and of itself, does</p> <p>16 not invariably lead to malignant transformation.</p> <p>17 BY MR. DEARING:</p> <p>18 Q Right. But I'm asking the inverse of that</p> <p>19 question.</p> <p>20 You can't have cancer without original DNA</p> <p>21 damage; right?</p> <p>22 A That's --</p> <p>23 MS. AHERN: Objection. Form.</p> <p>24 THE WITNESS: DNA damage is part of the process of</p> <p>25 development of a carcinoma.</p>	<p>1 BY MR. DEARING:</p> <p>2 Q So as I mentioned, this is from 2009; right?</p> <p>3 Do you agree with me?</p> <p>4 A I think that's --</p> <p>5 Q The date is at the very bottom of the page.</p> <p>6 A Yeah.</p> <p>7 Q It's right under the table, actually.</p> <p>8 A I see it, 2009.</p> <p>9 Q Okay. So in 2009 IARC said, "Epidemiological</p> <p>10 evidence has increasingly shown an association" --</p> <p>11 A Where are we reading now?</p> <p>12 Q I'm sorry. The top of page 454, so the other</p> <p>13 page, very top.</p> <p>14 A Uh-huh.</p> <p>15 Q "Epidemiological evidence has</p> <p>16 increasingly shown an association for</p> <p>17 all forms of asbestos (chrysotile,</p> <p>18 crocidolite, amosite, tremolite,</p> <p>19 actinolite, and anthophyllite) with an</p> <p>20 increased risk of lung cancer and</p> <p>21 mesothelioma."</p> <p>22 Do you agree with that statement?</p> <p>23 A Yes.</p> <p>24 Q It goes on to say:</p> <p>25 "Although the potency differences</p>

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<p style="text-align: right;">Page 90</p> <p>1 with respect to lung cancer or 2 mesothelioma for fibers of various types 3 and dimensions are debated, the 4 fundamental conclusion is that all forms 5 of asbestos are carcinogenic to humans." 6 Do you agree with that? 7 MS. AHERN: Objection. Form. 8 THE WITNESS: Well, again, I'm not an expert on the 9 different types of asbestos. I would leave -- I would 10 defer that to an mineralogist to agree as to whether 11 all types, as they state here, are associated with 12 cancer. 13 BY MR. DEARING: 14 Q The next sentence says: 15 "Mineral substances, for example, 16 talc and vermiculite, that contain 17 asbestos should also be regarded as 18 carcinogenic to humans." 19 Do you agree with that statement? 20 A Well, that's -- 21 MS. AHERN: Objection. Form. 22 THE WITNESS: That's what IARC states. Again, I 23 don't agree with that, but that -- they state that, but 24 I don't agree with it. 25 ///</p>	<p style="text-align: right;">Page 92</p> <p>1 it applies in 2019? 2 A Well, if you read further down the paragraph, 3 you'll see that it says -- let's see, one, two, three, 4 four, five, six, seven, eight -- ten lines, it says: 5 "Cohort studies of women who were 6 heavily exposed to asbestos in the 7 workplace consistently report increased 8 risks of ovarian cancer, as in a study 9 of women in the UK who manufactured gas 10 masks during World War II." 11 Q Right. 12 A "Studies suggest asbestos can accumulate in 13 the ovaries of women who were exposed to it." 14 So you're talking about massive exposures of 15 asbestos in women who are occupationally exposed. The 16 numbers of cases, I looked at that, are very small 17 because most of people who worked in that industry were 18 men. 19 So, again, you're referring to small numbers 20 of cases, extremely heavy exposure to asbestos that 21 allows them to come to that conclusion, which is what I 22 dispute. 23 Furthermore, I think there's a significant 24 risk that cases called ovarian cancer -- you'll notice 25 that there's no pathologist in the -- in the group in</p>
<p style="text-align: right;">Page 91</p> <p>1 BY MR. DEARING: 2 Q If a mineral substance contains carcinogenic 3 asbestos, doesn't that make that mineral substance 4 carcinogenic? 5 MS. AHERN: Objection. Form. 6 THE WITNESS: We have no idea how much asbestos is 7 in there. It might be a totally minute amount, that 8 there's a contaminant that doesn't have any 9 relationship to the development of cancer. 10 BY MR. DEARING: 11 Q Well, you would agree with me that the FDA has 12 determined that there's no safe level of asbestos 13 exposure; right? 14 MS. AHERN: Objection. Form. 15 THE WITNESS: As I said earlier, when it comes to 16 the specifics of the composition of asbestos or, for 17 that matter, talc, I would defer to a mineralogist. 18 BY MR. DEARING: 19 Q Then the next sentence is what I read to you 20 already: 21 "Sufficient evidence is now 22 available in 2009 to show that asbestos 23 also causes cancer of the larynx and of 24 the ovary." 25 And you disagree with that statement, even as</p>	<p style="text-align: right;">Page 93</p> <p>1 this -- in that statement that we read earlier, no 2 pathologist in the IARC group. And I would dispute the 3 fact that these are all carcinomas of the ovary. They 4 may be mesotheliomas that were misclassified. 5 Q Okay. Do you believe asbestos can cause 6 mesothelioma of the ovary? 7 A Well, I'd have -- 8 MS. AHERN: Objection. Form. 9 THE WITNESS: I'd have to, again, review the data. 10 I can tell you I hardly ever see, and there were hardly 11 any reports of, mesotheliomas involving the ovary. 12 BY MR. DEARING: 13 Q The last sentence you just read, "Studies 14 suggest that asbestos can accumulate in the ovaries of 15 women who are exposed to it," do you agree or disagree 16 with that? 17 A Well, let's look at the reference that they're 18 talking about. 19 Q It's the Heller study. 20 A Heller study. 21 Q Drs. Heller, Gordon, Westhoff, Gerber. 22 A Yeah, maybe we could look at that and see what 23 they say. 24 Q Okay. Well, you know, in that study, they -- 25 they used transmission electron microscopy to digest</p>

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<p>1 tissue to measure the burden count of asbestos fibers</p> <p>2 in the tissue.</p> <p>3 Do you know that about that study?</p> <p>4 MS. AHERN: Objection. Form.</p> <p>5 THE WITNESS: I'd like to see the study.</p> <p>6 BY MR. DEARING:</p> <p>7 Q Okay. So you have no opinion about that right</p> <p>8 not without seeing the study that --</p> <p>9 A Well, it's been a long time --</p> <p>10 Q Let me finish the question, please.</p> <p>11 A Yeah, sorry.</p> <p>12 Q So you have no opinion about whether asbestos</p> <p>13 can accumulate in the ovaries of women who are exposed</p> <p>14 to it?</p> <p>15 A I said I'd like to see the study.</p> <p>16 Q That doesn't answer my question. You either</p> <p>17 have an opinion or you don't.</p> <p>18 MS. AHERN: Objection. Form.</p> <p>19 THE WITNESS: My answer is I can't come to an</p> <p>20 opinion until I've seen the study.</p> <p>21 BY MR. DEARING:</p> <p>22 Q Okay. And you don't know whether you've seen</p> <p>23 the study before?</p> <p>24 A I have seen the study, but I'd like to see it</p> <p>25 again. It's been a while.</p>	<p>1 MS. AHERN: Objection. Form. Asked and answered.</p> <p>2 THE WITNESS: I'll just repeat what I said before.</p> <p>3 All I'm referring to is what they say talc is in the</p> <p>4 various studies. I don't know all the details of the</p> <p>5 composition of the talcum powder that they use.</p> <p>6 BY MR. DEARING:</p> <p>7 Q Since you have an opinion that talc cannot</p> <p>8 cause any type of inflammatory reaction that could</p> <p>9 cause ovarian cancer, don't you think it's important to</p> <p>10 know something about whether that talc is platy talc or</p> <p>11 asbestiform fibrous talc, or what type of talc it is?</p> <p>12 A No. It doesn't matter. Whatever it is hasn't</p> <p>13 been shown to form ovarian cancer.</p> <p>14 Q Is it your opinion that asbestos exposed to</p> <p>15 ovaries doesn't cause cancer either?</p> <p>16 A I'm not convinced of it at this point. I'd</p> <p>17 like to see more studies.</p> <p>18 Q Okay. Is it biologically plausible that</p> <p>19 asbestos could cause ovarian cancer?</p> <p>20 A Biologically plausible? Again, to me, it's --</p> <p>21 it has to be seen. And I haven't seen that yet. I'd</p> <p>22 like to see more studies, and then I could tell you</p> <p>23 whether I think it's biologically plausible or not.</p> <p>24 Q So you don't know whether it's biologically</p> <p>25 plausible, as you sit here right now?</p>
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<p>1 Q Okay. All right. Do you have any opinion</p> <p>2 about whether Johnson & Johnson baby powder or Shower</p> <p>3 to Shower product has any form of asbestos in it?</p> <p>4 A I'll repeat what I said earlier that I'm just</p> <p>5 talking about the talc that I read. I don't know</p> <p>6 what's in their -- what's in their bottles of baby</p> <p>7 powder or Shower -- whatever. I would depend on -- I</p> <p>8 would depend really -- because it's complex. It's</p> <p>9 complex. It's debated. There are subtle differences</p> <p>10 between how much, what the type of asbestos is.</p> <p>11 So I would really have to defer to a</p> <p>12 mineralogist to answer that question.</p> <p>13 Q Are you familiar with the term "asbestiform</p> <p>14 fibrous talc"?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: I've heard it mentioned.</p> <p>17 BY MR. DEARING:</p> <p>18 Q Do you feel like you know enough about it to</p> <p>19 discuss it?</p> <p>20 A No.</p> <p>21 Q Based on what you've read -- and maybe you</p> <p>22 haven't read anything about this -- do you have an</p> <p>23 opinion about whether Johnson & Johnson's baby powder</p> <p>24 or Shower to Shower products have asbestiform fibrous</p> <p>25 talc in them?</p>	<p>1 A I'm saying I'd like to see more studies to be</p> <p>2 more convinced that it might be biologically plausible.</p> <p>3 At this point, I'm not convinced.</p> <p>4 Q That doesn't answer my question. I know you</p> <p>5 would like to see more studies.</p> <p>6 My question is, do you have an opinion one way</p> <p>7 or the other whether asbestos exposure to ovaries -- do</p> <p>8 you have an opinion one way or the other whether it's</p> <p>9 biologically plausible that asbestos can cause ovarian</p> <p>10 cancer? Just do you have an opinion?</p> <p>11 If you don't have an opinion, that's fine. I</p> <p>12 just want to know.</p> <p>13 A When I repeat it --</p> <p>14 MS. AHERN: Objection. Form.</p> <p>15 THE WITNESS: -- I'm repeating what I said earlier.</p> <p>16 BY MR. DEARING:</p> <p>17 Q I know you want to see studies.</p> <p>18 Does that mean you don't have an opinion?</p> <p>19 A At this point, I'm not convinced that it's</p> <p>20 biologically plausible to cause ovarian cancer. I want</p> <p>21 to see something that shows me evidence of that, and I</p> <p>22 don't see it.</p> <p>23 Q Well, what would you want to see that would</p> <p>24 show you evidence that it's biologically plausible that</p> <p>25 ovarian -- that asbestos exposure can cause ovarian</p>

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<p>1 cancer?</p> <p>2 A It would be nice to see asbestos in ovaries</p> <p>3 causing a fibrous reaction, maybe seeing some</p> <p>4 ferruginous bodies, which are very characteristic of</p> <p>5 asbestos exposure in patients who have ovarian cancer.</p> <p>6 Q And while we're talking about this, what would</p> <p>7 you expect to see or want to see regarding biologic</p> <p>8 plausibility of talc causing ovarian cancer?</p> <p>9 A Well, we kind of --</p> <p>10 Q Same thing?</p> <p>11 A -- discussed that earlier that with -- I'd</p> <p>12 like to see a chronic foreign-body giant cell</p> <p>13 granulomatous reaction, something to indicate that it's</p> <p>14 biologically active and not just sitting there, say, as</p> <p>15 a contaminant.</p> <p>16 Q Okay. That's all you would want to see?</p> <p>17 A I'd like to see ovarian cancer associated with</p> <p>18 it, an ovarian cancer in which these -- this is</p> <p>19 associated with what I just described.</p> <p>20 Q How would you make the connection between a</p> <p>21 foreign-body response to talc in the ovary and cancer</p> <p>22 of the ovary? If you saw the foreign-body reaction</p> <p>23 that you're saying you want to see, is that enough to</p> <p>24 say, "Well, if that's there, it may be able to cause</p> <p>25 cancer"?</p>	<p>1 herpes simplex virus type 2, was thought to cause</p> <p>2 cervical cancer. There were electron micrographs</p> <p>3 showing HSV-2 particles in cervical cancer.</p> <p>4 There were zero epidemiologic studies</p> <p>5 confirming that HSV caused cervical cancer with</p> <p>6 relative risks like ten, much higher than you see with</p> <p>7 talc, and it was all wrong. As you said, it's -- you</p> <p>8 know HPV causes it, not herpes.</p> <p>9 So just the presence of that in the ovarian</p> <p>10 tumor doesn't mean that it causes cancer.</p> <p>11 MR. DEARING: Right. I move to strike as</p> <p>12 nonresponsive.</p> <p>13 BY MR. DEARING:</p> <p>14 Q My question is, what do you need to see</p> <p>15 between the foreign-body response that you're</p> <p>16 describing and the cancer to link the two? That's the</p> <p>17 question.</p> <p>18 MS. AHERN: Objection. Form.</p> <p>19 BY MR. DEARING:</p> <p>20 Q What do you need to see?</p> <p>21 MS. AHERN: Objection. Form.</p> <p>22 THE WITNESS: I'd like to see fulfillment of the</p> <p>23 various criteria that we've talked about before,</p> <p>24 Bradford Hill, to really say that all the various</p> <p>25 studies, not just biologic plausibility but strength of</p>
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<p>1 A Not at all.</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: No, not at all.</p> <p>4 MR. DEARING: Okay.</p> <p>5 THE WITNESS: And I'll give you a specific example</p> <p>6 of something -- where that kind of information was very</p> <p>7 misleading.</p> <p>8 I was involved, and I have been involved for</p> <p>9 the last 15 years, with HPV and cervical --</p> <p>10 BY MR. DEARING:</p> <p>11 Q Excuse me, Doctor. I don't mean to cut you</p> <p>12 off. I know about HPV virus. I don't need to talk</p> <p>13 about that.</p> <p>14 MS. AHERN: Let him answer, and then you can object</p> <p>15 as nonresponsive.</p> <p>16 MR. DEARING: Well, he's clearly not, and I have a</p> <p>17 limited amount of time.</p> <p>18 BY MR. DEARING:</p> <p>19 Q What I'm saying is, what do you say about</p> <p>20 talc?</p> <p>21 A I'm going to talk about why seeing the</p> <p>22 presence of a substance in the ovary with the cancer</p> <p>23 doesn't mean that it's causing the cancer.</p> <p>24 And I was -- before you interrupted me, I was</p> <p>25 going to say that, in the 1960s, '70s, and '80s, HSV-2,</p>	<p>1 association from epidemiologic studies, dose response,</p> <p>2 consistency, the various factors that Bradford Hill</p> <p>3 requires to show causality. That's what I want to see,</p> <p>4 and I haven't seen that.</p> <p>5 BY MR. DEARING:</p> <p>6 Q So there's nothing pathologically you want to</p> <p>7 see?</p> <p>8 A Well, that might explain --</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: That may be one factor that could be</p> <p>11 considered.</p> <p>12 BY MR. DEARING:</p> <p>13 Q So back to my question.</p> <p>14 What pathologically you would expect to see in</p> <p>15 tissue such that you would link the formation of</p> <p>16 foreign-body response to the cancer?</p> <p>17 MS. AHERN: Objection. Form.</p> <p>18 THE WITNESS: I would like to -- I haven't ever</p> <p>19 seen it. Okay. So I don't know what I would expect.</p> <p>20 It's a completely hypothetical question. I'd have to</p> <p>21 see what I see, and then I could tell you an answer.</p> <p>22 BY MR. DEARING:</p> <p>23 Q Are you aware that IARC also classified</p> <p>24 asbestiform talc fibers as carcinogenic?</p> <p>25 A Are you distinguishing that from just other</p>

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<p style="text-align: right;">Page 102</p> <p>1 types of asbestos?</p> <p>2 Q Asbestiform talc fibers are not asbestos.</p> <p>3 A I'm sorry. Repeat your question.</p> <p>4 Q Yes. I am distinguishing those two. And if</p> <p>5 you don't know this and I'm outside of your wheelhouse,</p> <p>6 just tell me and I'll move on.</p> <p>7 A Yeah.</p> <p>8 Q Asbestiform talc fibers --</p> <p>9 A Oh, okay.</p> <p>10 Q -- so not asbestos.</p> <p>11 Are you aware that IARC has identified</p> <p>12 asbestiform talc fibers as carcinogenic to humans?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: I'm not aware of that.</p> <p>15 MR. DEARING: Would that fact affect your opinion</p> <p>16 about whether talc can cause ovarian cancers?</p> <p>17 THE WITNESS: No.</p> <p>18 MS. AHERN: Objection. Form.</p> <p>19 BY MR. DEARING:</p> <p>20 Q Have you read the 2012 IARC Monograph?</p> <p>21 A You'd have to show it to me. I don't recall.</p> <p>22 Q Well, it's on your reference list.</p> <p>23 A Yeah. Well, I'd have to see it again.</p> <p>24 Q Okay.</p> <p>25 ///</p>	<p style="text-align: right;">Page 104</p> <p>1 Containing Asbestiform Fibres"?</p> <p>2 A Where am I? 230?</p> <p>3 Q I think you're on 231.</p> <p>4 A Oh, yeah.</p> <p>5 Q It says:</p> <p>6 "Talc particles are normally</p> <p>7 plate-like. These particles, when</p> <p>8 viewed on edge under the microscope, in</p> <p>9 bulk samples or on air filters, may</p> <p>10 appear to be fibers and have been</p> <p>11 misidentified as such. Talc may also</p> <p>12 form true mineral fibers that are</p> <p>13 asbestiform in habit. In some talc</p> <p>14 deposits, tremolite, anthophyllite, and</p> <p>15 actinolite may occur. Talc containing</p> <p>16 asbestiform fibers is a term that has</p> <p>17 been used inconsistently in the</p> <p>18 literature. In some contexts, it</p> <p>19 applies to talc containing asbestiform</p> <p>20 fibers of talc."</p> <p>21 Do you feel like you have an understanding of</p> <p>22 asbestiform talc fibers based on that explanation of</p> <p>23 what they are to talk more about them, or are we still</p> <p>24 outside of your expertise?</p> <p>25 A I like the term where it says "inconsistently</p>
<p style="text-align: right;">Page 103</p> <p>1 (The document referenced below was</p> <p>2 marked Deposition Exhibit 5 for</p> <p>3 identification and is appended hereto.)</p> <p>4 BY MR. DEARING:</p> <p>5 Q Doctor, I'm marking as Exhibit 5 a portion of</p> <p>6 the 2012 Monograph, and the reason is it's several</p> <p>7 hundred pages long and I'm trying to save some trees.</p> <p>8 But here is the portion that I want to talk to</p> <p>9 you about. First of all --</p> <p>10 MS. AHERN: I'm sorry, one second. Could I get a</p> <p>11 copy? Thank you.</p> <p>12 BY MR. DEARING:</p> <p>13 Q So obviously the cover there identifies this</p> <p>14 as an IARC Monograph, and it's addressing arsenic,</p> <p>15 metals, fibers, and dust. And it's Volume 100C.</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q And this is the one that you referenced in</p> <p>19 your reference list; right?</p> <p>20 A Yes.</p> <p>21 Q And you think you have seen this before?</p> <p>22 You've read this?</p> <p>23 A Yes.</p> <p>24 Q If you would, turn to page 230.</p> <p>25 Do you see the section entitled "Talc</p>	<p style="text-align: right;">Page 105</p> <p>1 in the literature."</p> <p>2 Q Right.</p> <p>3 A So if it's inconsistently in the literature,</p> <p>4 I, as not a mineralogist, would have a lot of trouble</p> <p>5 dissecting all that out.</p> <p>6 Q It's inconsistent in the literature because</p> <p>7 some authors treat asbestiform talc as asbestos, and</p> <p>8 there's some confusion in the name. They should have</p> <p>9 named it something else, but that's the confusion</p> <p>10 they're talking about.</p> <p>11 MS. AHERN: Objection to the characterization.</p> <p>12 BY MR. DEARING:</p> <p>13 Q Anyway, we'll move on to the human exposure</p> <p>14 section, page 232. The subheading is "Human Exposure."</p> <p>15 A Yes.</p> <p>16 Q And it says -- and this explains -- this is</p> <p>17 the way IARC explains exposures and explains</p> <p>18 carcinogenesis of the identified carcinogens is they</p> <p>19 first talk about how humans get exposed to it.</p> <p>20 And they say here that:</p> <p>21 "Consumer products (cosmetics,</p> <p>22 pharmaceuticals) are the primary source</p> <p>23 of exposure to talc for the general</p> <p>24 population. Inhalation and dermal</p> <p>25 contact, (i.e. through perineal</p>

27 (Pages 102 to 105)

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<p style="text-align: right;">Page 106</p> <p>1 application of talcum powders) are the</p> <p>2 primary routes of exposure."</p> <p>3 Do you agree with that statement that</p> <p>4 inhalation and dermal contact, such as through perineal</p> <p>5 application of talcum powders, is the primary route of</p> <p>6 exposure for talc for humans?</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 THE WITNESS: As far as I know, inhalation and</p> <p>9 perineal exposure are the main contacts.</p> <p>10 BY MR. DEARING:</p> <p>11 Q Right. In -- when they describe that</p> <p>12 exposure, IARC is describing exposure to the general</p> <p>13 population; right? That's what it says right above</p> <p>14 it --</p> <p>15 A Yeah.</p> <p>16 Q -- "exposure to the general population"?</p> <p>17 A That's what it says.</p> <p>18 Q Okay. That's all I'm going to ask you about</p> <p>19 that.</p> <p>20 Do you agree with the statement that "Patients</p> <p>21 with chronic aspirin, nonsteroidal anti-inflammatory</p> <p>22 drugs, or acetaminophen use have a reduced risk of</p> <p>23 ovarian -- epithelial ovarian cancer"?</p> <p>24 MS. AHERN: Objection.</p> <p>25 MR. DEARING: That was terrible. Let me start all</p>	<p style="text-align: right;">Page 108</p> <p>1 A Absolutely not.</p> <p>2 Q What is retrograde menstruation?</p> <p>3 A Retrograde menstruation occurs in women when</p> <p>4 they have, at the time of menses, instead of the</p> <p>5 breakdown of the lining of the uterus, which is the</p> <p>6 endometrium, passing through the cervix, the vagina,</p> <p>7 and going as we normally -- as normally occurs in</p> <p>8 menstruation, goes the other way and goes through the</p> <p>9 fallopian tubes to the peritoneal cavity.</p> <p>10 Q And you agree that 90 percent of women with</p> <p>11 healthy fallopian tubes experience retrograde</p> <p>12 menstruation?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: I don't know what the percentage is,</p> <p>15 but I'm sure it's frequent.</p> <p>16 BY MR. DEARING:</p> <p>17 Q In your report on page 9, you have a short</p> <p>18 discussion here about endometriosis and endometrioid</p> <p>19 carcinomas.</p> <p>20 A Let me get there. Okay. Page 9.</p> <p>21 Q Right. You say in the third sentence:</p> <p>22 "The precise origin of</p> <p>23 endometriosis has not been conclusively</p> <p>24 established. Proposed mechanisms</p> <p>25 include retrograde menstrual flow and in</p>
<p style="text-align: right;">Page 107</p> <p>1 over. Good grief.</p> <p>2 BY MR. DEARING:</p> <p>3 Q Do you agree that patients with chronic</p> <p>4 aspirin, nonsteroidal anti-inflammatory drug, or</p> <p>5 acetaminophen use have a reduced risk of epithelial</p> <p>6 ovarian cancer?</p> <p>7 A So you're referring to the epidemiology</p> <p>8 studies, I assume?</p> <p>9 Q There are several studies, yes.</p> <p>10 A Yeah. Well, from what I recall, and it's been</p> <p>11 a while, they are inconsistent. Some show that they</p> <p>12 decrease risk. And some, specifically the NSAIDs, as I</p> <p>13 remember, did not show there was a reduced risk of</p> <p>14 ovarian cancer.</p> <p>15 Q Do you have an opinion professionally?</p> <p>16 A Well --</p> <p>17 MS. AHERN: Objection. Form.</p> <p>18 THE WITNESS: -- as I said, I'm not an</p> <p>19 epidemiologist, I'm not going to get into the</p> <p>20 nitty-gritty of it, but just based on those studies, I</p> <p>21 would say that it's not -- it's inconsistent.</p> <p>22 BY MR. DEARING:</p> <p>23 Q Do you believe that talc can migrate from the</p> <p>24 perineum through a woman's reproductive tract to the</p> <p>25 ovaries?</p>	<p style="text-align: right;">Page 109</p> <p>1 situ development in the peritoneum</p> <p>2 through a process of metaplasia. Other</p> <p>3 mechanisms, including development of</p> <p>4 embryonic rests, have also been invoked.</p> <p>5 Most cases are best accounted for by</p> <p>6 retrograde menstruation, that's</p> <p>7 endometrial tissue expelled at the time</p> <p>8 of menstruation which passes through the</p> <p>9 fallopian tubes and implants on the</p> <p>10 ovary or other sites in the peritoneal</p> <p>11 cavity."</p> <p>12 Now, I assume, because you put this in your</p> <p>13 report, that's what you believe causes endometriosis.</p> <p>14 Is that right?</p> <p>15 MS. AHERN: Objection form.</p> <p>16 THE WITNESS: Yes, that's correct.</p> <p>17 BY MR. DEARING:</p> <p>18 Q But you acknowledge that has not conclusively</p> <p>19 established; right?</p> <p>20 A Generally -- it's generally thought to be the</p> <p>21 case.</p> <p>22 Q Right. But you write, "The precise origin of</p> <p>23 endometriosis has not been conclusively established."</p> <p>24 Right?</p> <p>25 A True.</p>

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<p>1 Q Does that mean other gynecologic pathologists</p> <p>2 disagree with you on that mechanism?</p> <p>3 MS. AHERN: Objection to form. Which mechanism?</p> <p>4 BY MR. DEARING:</p> <p>5 Q Is that what you mean by that?</p> <p>6 A Yeah.</p> <p>7 Q That endometriosis is caused by this process</p> <p>8 that you just described.</p> <p>9 A In other words, that endometriosis can be</p> <p>10 caused either by retrograde menstruation, metaplasia,</p> <p>11 or from embryonic rest. That covers it all.</p> <p>12 Q Okay. I want to put a diagram up, just</p> <p>13 because this makes it easier for me to talk about it.</p> <p>14 I can hand you one if you prefer, if it is easier to</p> <p>15 see, but -- I have lots of them.</p> <p>16 MS. AHERN: Thank you.</p> <p>17 THE WITNESS: Might as well take advantage of your</p> <p>18 generosity. Okay.</p> <p>19 BY MR. DEARING:</p> <p>20 Q So now using this diagram to describe this</p> <p>21 retrograde menstruation that you're talking about.</p> <p>22 A Uh-huh.</p> <p>23 Q So what you're saying is that the</p> <p>24 endometrium -- the endometrial tissues expelled during</p> <p>25 menstruation. Can you show me on your diagram, and</p>	<p>1 peritoneal cavity as well.</p> <p>2 Q When that reverse flow transports that</p> <p>3 endometrial tissue, does it pick up anything else when</p> <p>4 it goes?</p> <p>5 MS. AHERN: Objection. Form.</p> <p>6 BY MR. DEARING:</p> <p>7 Q Anything else that might be in that cavity?</p> <p>8 Any other cells?</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: There are no other cells. There's</p> <p>11 just the endometrium.</p> <p>12 BY MR. DEARING:</p> <p>13 Q What if there were bacterium in that area?</p> <p>14 Would the retrograde menstruation pick up the bacterium</p> <p>15 and deliver them to the ovaries with the tissue?</p> <p>16 A Well, certainly, women who have pelvic</p> <p>17 inflammatory disease, sexually transmitted disease, it</p> <p>18 involves the fallopian tubes. So somehow or another,</p> <p>19 the bacteria get there. Now, whether they come by</p> <p>20 lymphatics, I don't know. It's usually thought to be</p> <p>21 through lymphatics, not necessarily retrograde</p> <p>22 menstruation.</p> <p>23 Q Okay. My question is, if there were other</p> <p>24 materials in that tissue that's being transported,</p> <p>25 whether it's bacteria, whether it's foreign material,</p>
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<p>1 then I'll repeat it here, where that tissue is coming</p> <p>2 from that's being expelled?</p> <p>3 A Yeah. It's coming from this little -- where</p> <p>4 it says "uterus."</p> <p>5 Q Right.</p> <p>6 A It's like a V.</p> <p>7 Q Uh-huh.</p> <p>8 A That's the lining of the uterine cavity,</p> <p>9 endometrial tissue.</p> <p>10 Q Okay.</p> <p>11 A And that's what breaks down and is expelled.</p> <p>12 Q So this area that I'm circling -- and I know</p> <p>13 this is not a three-dimensional diagram, but</p> <p>14 essentially it's the lining of the uterus that's being</p> <p>15 expelled; right?</p> <p>16 A That's correct.</p> <p>17 Q So you are saying during retrograde</p> <p>18 menstruation, this lining is expelled in the</p> <p>19 endometrium and then passes through the fallopian</p> <p>20 tubes, out the fimbriated end of the fallopian tube, to</p> <p>21 the ovary?</p> <p>22 MS. AHERN: Objection. Form.</p> <p>23 BY MR. DEARING:</p> <p>24 Q Am I stating that correctly?</p> <p>25 A That is -- yes. And other parts of the</p>	<p>1 don't you think -- or don't you agree that it could</p> <p>2 also be picked up and transported through the fallopian</p> <p>3 tubes to the ovaries?</p> <p>4 MS. AHERN: Objection. Form.</p> <p>5 THE WITNESS: It is complete speculation. I have</p> <p>6 no idea.</p> <p>7 BY MR. DEARING:</p> <p>8 Q You also state in your report that --</p> <p>9 A Back to the report. Specific page?</p> <p>10 Q Yes. Well --</p> <p>11 A Tell me where we are.</p> <p>12 Q I don't remember where I read it, and we can</p> <p>13 look for it in a minute, but let me just ask you the</p> <p>14 question.</p> <p>15 Do you agree that the epidemiological data</p> <p>16 indicate a protective effect of tubal ligations against</p> <p>17 ovarian cancer in general and an even stronger</p> <p>18 protective effect for endometrioid and clear cell</p> <p>19 carcinomas, which are sometimes associated with</p> <p>20 endometriosis?</p> <p>21 MS. AHERN: Objection.</p> <p>22 THE WITNESS: It reduces the risk of those,</p> <p>23 specifically endometrioid and clear cell, yes.</p> <p>24 BY MR. DEARING:</p> <p>25 Q Doesn't the epidemiological data also evidence</p>

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<p style="text-align: right;">Page 114</p> <p>1 a protective effect of ovarian cancers in general, all 2 histologic types of ovarian cancer, by tubal ligation? 3 MS. AHERN: Objection. Form. 4 THE WITNESS: I'm not sure -- there's data for 5 high-grade serous carcinoma. I'm not aware of data for 6 low-grade serous carcinoma. I'm not aware of data on 7 mucinous. I'm not aware of that. But for other -- 8 certainly high-grade serous carcinoma. 9 BY MR. DEARING: 10 Q Would you agree that high-grade serous 11 carcinomas make up about 80 percent of the ovarian 12 cancers? 13 A Yes. But I should add, as I put in my report, 14 that's not the only explanation. You're implying that 15 retrograde menstruation is what -- has reduced the risk 16 of high-grade serous carcinoma. I think there's 17 another statement in there that I made which indicates 18 that tubal ligation has been demonstrated in both 19 humans and animals to reduce or make that epithelium on 20 the fimbriated end of the tube more quiescent, meaning 21 less proliferation, less likelihood of mutations 22 occurring. And perhaps that's another mechanism that 23 reduces the risk of high-grade serous carcinoma. 24 Q I don't remember seeing that in your report, 25 but you do say, "Also supportive of this" -- and I'm on</p>	<p style="text-align: right;">Page 116</p> <p>1 carcinoma than for high-grade serous 2 carcinoma, presumably because tubal 3 ligation interrupts the retrograde 4 passage of endometrial tissue from the 5 uterus to the peritoneal cavity." 6 A Correct, but you have to keep reading. 7 Q "However, this mechanism does 8 not fit well with the development of 9 high-grade serous carcinoma, which is 10 now thought to derive from a precursor 11 lesion in the fimbriated end (the most 12 distal portion) of the fallopian tube, 13 which is in close contact with the 14 ovary." 15 I understand that, and I'm going to talk a lot 16 about -- 17 A Read the next sentence. 18 Q Okay. 19 A "Importantly, Tiourin, et al., 20 demonstrated in humans and mouse models 21 'that tubal ligations induces quiescence 22 of distal fallopian tube epithelium' by 23 decreasing the number and proliferation 24 of progenitor cells in that region, 25 which can explain the slight reduction</p>
<p style="text-align: right;">Page 115</p> <p>1 page 9, near the bottom of that paragraph. 2 "Also supportive of this hypothesis 3 are epidemiologic data that indicate the 4 protective effect for tubal ligation is 5 stronger for endometrioid and clear cell 6 carcinoma than for high-grade serous 7 carcinoma" -- 8 A I'm sorry. Could you just tell me where you 9 are reading again? I want to make sure you're right. 10 Q Sure. It is middle of that page -- 11 A "This suggests"? 12 Q -- bottom of the paragraph. 13 A Is that -- 14 Q Below "this suggests." 15 A Okay. "This suggests." Okay. 16 Q "Also supportive" -- 17 A Okay. Got you. 18 Q "Also supportive of this hypothesis" -- and 19 you're talking about this retrograde menstruation that 20 delivers endometrial tissue the ovary? 21 A Right. 22 Q "Also supportive of this hypothesis 23 are epidemiologic data that indicate the 24 protective effect for tubal ligation is 25 stronger for endometrioid and clear cell</p>	<p style="text-align: right;">Page 117</p> <p>1 in the risk of high-grade serous 2 carcinoma associated with this 3 procedure." 4 Q Okay. But you agree with me that 5 epidemiologic data shows a protective effect for 6 high-grade serous carcinoma in particular for women who 7 have undergone tubal ligations? 8 MS. AHERN: Objection. Form. 9 THE WITNESS: Yes. Slightly less than it is for 10 endometrioid and clear cell carcinoma. 11 BY MR. DEARING: 12 Q And for endometrial -- endometrioid and clear 13 cell carcinomas, it's a significant reduction in risk, 14 isn't it? 15 A I don't -- 16 Q Tubal ligation. 17 A Yes, it definitely plays a role. 18 Q And it makes perfect sense because, if you 19 occlude the tubes, nothing can pass through them; 20 right? 21 MS. AHERN: Objection. 22 THE WITNESS: Right. 23 How we doing with our bladders? 24 MS. AHERN: Do you need to go? 25 THE WITNESS: I drank too much coffee.</p>

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<p style="text-align: right;">Page 118</p> <p>1 MR. DEARING: Want to take a break?</p> <p>2 THE WITNESS: Yeah. Would that be okay?</p> <p>3 MR. DEARING: Absolutely. Anytime. Please tell</p> <p>4 me. I get carried away.</p> <p>5 VIDEO OPERATOR BROWN: Time is now 11:59. Going</p> <p>6 off the record.</p> <p>7 (Lunch recess taken.)</p> <p>8 VIDEO OPERATOR BROWN: Okay. Time is now 1:02.</p> <p>9 Back on the record.</p> <p>10 BY MR. DEARING:</p> <p>11 Q Doctor, you mentioned a few minutes ago -- a</p> <p>12 while ago about your textbook that you edited.</p> <p>13 It's called "Blaustein's" --</p> <p>14 A -- "Pathology of the Female Genital Tract."</p> <p>15 Q And you're the primary editor of that</p> <p>16 textbook; is that right?</p> <p>17 A I was until the last edition. I had two</p> <p>18 junior people join me, and they're doing that with me</p> <p>19 on this current edition that we're working on.</p> <p>20 Q What is the last edition that was published?</p> <p>21 A The sixth edition.</p> <p>22 Q And how many editions have you edited?</p> <p>23 A Third, fourth, and fifth by myself. Sixth</p> <p>24 with the two of them, and now the seventh with these</p> <p>25 two people.</p>	<p style="text-align: right;">Page 120</p> <p>1 Q Sure.</p> <p>2 So you've never actually seen the flow take</p> <p>3 place, obviously. Have you seen any evidence that that</p> <p>4 flow takes place that makes you think it exists?</p> <p>5 A Well, I've seen in microscopic slides of the</p> <p>6 fallopian tube taken out at the time a woman is</p> <p>7 menstruating, seen collections of blood and broken-down</p> <p>8 endometrium within the tubal lumen.</p> <p>9 Q Okay. So retrograde menstruation takes place</p> <p>10 during a woman's regular menstrual cycle, or is it some</p> <p>11 other time during that --</p> <p>12 A No, during the time of the menstrual cycle.</p> <p>13 Q So the menstrual fluid is flowing both ways at</p> <p>14 the same time?</p> <p>15 A Well, conceivably, yes. It's going out in the</p> <p>16 normal pathway, but also collections of the same kind</p> <p>17 of material can be seen in the lumen of the fallopian</p> <p>18 tube. Not often, but we've seen it.</p> <p>19 Q Is it your testimony that the only way that</p> <p>20 those endometrial cells could get to the lumen of the</p> <p>21 fallopian tube or to the ovaries is by this retrograde</p> <p>22 menstruation?</p> <p>23 MS. AHERN: Objection to form.</p> <p>24 THE WITNESS: Yeah. I can't imagine how they would</p> <p>25 get there any other way.</p>
<p style="text-align: right;">Page 119</p> <p>1 Q And in addition to editing the textbook, have</p> <p>2 you also authored chapters within the textbook?</p> <p>3 A Yes, I have.</p> <p>4 Q And who is the intended audience for that</p> <p>5 textbook? Is it for medical students? Doctors? What?</p> <p>6 A Yes.</p> <p>7 Q Anybody that's interested?</p> <p>8 A Right. Residents, fellows, gynecologists,</p> <p>9 pathologists in practice, medical students.</p> <p>10 Q It's a pretty well-recognized and accepted</p> <p>11 authority on gynecologic pathology; isn't it?</p> <p>12 A Well, it's one among many.</p> <p>13 Q Going back to the retrograde menstruation</p> <p>14 process we were talking about at the break, what's the</p> <p>15 biologic mechanism that causes this reverse upstream</p> <p>16 menstrual flow?</p> <p>17 A I don't know that anyone knows.</p> <p>18 Q Well, have you ever observed that process</p> <p>19 taking place?</p> <p>20 A Observed it? You mean like with a laparoscope</p> <p>21 and watched the blood flow? No, I haven't.</p> <p>22 Q Have you observed any evidence of that process</p> <p>23 taking place with the exception of the endometrial</p> <p>24 tissue being implanted on the ovary?</p> <p>25 A Please clarify. Rephrase that question.</p>	<p style="text-align: right;">Page 121</p> <p>1 BY MR. DEARING:</p> <p>2 Q How does -- how do endometrial cells implanted</p> <p>3 on the surface of the ovary cause endometrioid</p> <p>4 carcinoma?</p> <p>5 A Well, there's some interesting studies showing</p> <p>6 that, when you look at the endometrium of women with</p> <p>7 endometriosis -- so I'm saying the endometrium, within</p> <p>8 the lining of uterus -- and compare that to women who</p> <p>9 don't have endometriosis, there are certain molecular</p> <p>10 changes in the women with endometriosis -- in the</p> <p>11 lining of the uterus, in the endomet- -- that are</p> <p>12 different than the women who don't have endometriosis,</p> <p>13 suggesting that there's something different about that</p> <p>14 endometrium in women with endometriosis that leads to</p> <p>15 the development of endometriosis compared to other</p> <p>16 women who may also have retrograde menstruation but who</p> <p>17 don't develop endometriosis.</p> <p>18 Q Right. But what mechanism takes place to turn</p> <p>19 a displaced endometrial cell on the surface of the</p> <p>20 ovary in an endometrioid carcinoma?</p> <p>21 A Oh. Well, there's certain molecular genetic</p> <p>22 alterations that occur.</p> <p>23 Q Do they occur once they get to the ovary, or</p> <p>24 do they occur on the way to the ovary, or do they occur</p> <p>25 in the endometrium?</p>

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<p>1 A Well, that's what I was getting to just a</p> <p>2 moment ago. Some of those changes may already be</p> <p>3 present in the endometrium. So that would explain why</p> <p>4 some women -- women -- two women have retrograde</p> <p>5 menstruation; one gets endometriosis and the other one</p> <p>6 doesn't, because of those changes already present.</p> <p>7 Q Have you witnessed any of those cell changes</p> <p>8 in any kind of laboratory study or experiment?</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: Again, could you please rephrase what</p> <p>11 you mean by that.</p> <p>12 BY MR. DEARING:</p> <p>13 Q Well, let's say endometrial cells that don't</p> <p>14 already have some carcinogenic process taking place --</p> <p>15 A Okay.</p> <p>16 Q -- get -- you know, get free from the</p> <p>17 endometrium, go through the fallopian tubes, implant on</p> <p>18 the ovary.</p> <p>19 Are those cells capable of turning into</p> <p>20 endometrioid carcinoma?</p> <p>21 A Well, the -- based on that study -- there are</p> <p>22 a couple studies now -- it apparently doesn't occur.</p> <p>23 Or that's the suggestion, that it only occurs in women</p> <p>24 who have this genetic alteration to begin with.</p> <p>25 Because, otherwise, as we said, women -- many -- not</p>	<p>1 fimbriated ends of the tubes and the ovaries; is that a</p> <p>2 fair statement?</p> <p>3 MS. AHERN: Objection. Form.</p> <p>4 THE WITNESS: Well, I didn't say anything about</p> <p>5 other than blood and endometrial products that are in</p> <p>6 retrograde menstruation, and those are -- tend to be</p> <p>7 associated to a greater extent with clear cell and</p> <p>8 endometrioid carcinoma rather than high-grade serous</p> <p>9 carcinoma.</p> <p>10 BY MR. DEARING:</p> <p>11 Q Right. Were you taking exception to something</p> <p>12 I said in that statement?</p> <p>13 A Yes.</p> <p>14 Q Did I --</p> <p>15 A Well, do you want to repeat the statement --</p> <p>16 Q Sure.</p> <p>17 A -- and I'll point out where I'm differing.</p> <p>18 Q The statement is, if you ligate or close the</p> <p>19 fallopian tubes, endometrial material and potential</p> <p>20 environmental carcinogens are blocked. They cannot --</p> <p>21 A Stop. That's where I was disagreeing. "And</p> <p>22 potential environmental carcinogens," I didn't agree</p> <p>23 with that. I agreed with the blood but not with that</p> <p>24 part.</p> <p>25 Q What about environmental carcinogen -- what</p>
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<p>1 many -- more normal women can have retrograde</p> <p>2 menstruation and don't get endometriosis.</p> <p>3 Q And using this diagram again, we were talking</p> <p>4 about tubal ligation.</p> <p>5 A Uh-huh.</p> <p>6 Q Where do tubal ligations typically take place</p> <p>7 surgically on the fallopian tube? Just anatomically,</p> <p>8 are they --</p> <p>9 A Yeah.</p> <p>10 Q -- on the distal end, or is it closer to</p> <p>11 the -- close to the uterus or where -- where are they</p> <p>12 usually ligated?</p> <p>13 A It can vary depending on when these are done,</p> <p>14 for example, laparoscopically, where the surgeon finds</p> <p>15 a good place to pick up with his forceps some fallopian</p> <p>16 tube to tie it off. So sometimes it's in the middle.</p> <p>17 Sometimes it's more distally. It's more often in the</p> <p>18 middle. That's what people aim for, rather than in the</p> <p>19 proximal end, which would be the end closer to the</p> <p>20 uterus.</p> <p>21 Q And the reason that tubal ligations reduce a</p> <p>22 woman's risk of ovarian cancer is because, if you</p> <p>23 ligate or close these tubes, endometrial material and</p> <p>24 potential environmental carcinogens are blocked and</p> <p>25 cannot pass through the fallopian tubes and reach the</p>	<p>1 about that statement do you disagree with?</p> <p>2 A Well, I don't know that environmental</p> <p>3 carcinogens have ever been demonstrated to go in</p> <p>4 retrograde menstruation.</p> <p>5 Q Is that one of those situations where it's not</p> <p>6 biologically plausible to you that tubal ligations</p> <p>7 would reduce potential for environmental carcinogens to</p> <p>8 reach ovaries because you haven't seen it?</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: I think it's speculation because I</p> <p>11 don't think there's been evidence produced to</p> <p>12 demonstrate that there are other environmental</p> <p>13 carcinogens or whatever that are coming into the</p> <p>14 uterus.</p> <p>15 BY MR. DEARING:</p> <p>16 Q Doctor, this is your sixth edition of</p> <p>17 Blaustein's.</p> <p>18 A Ah, yes.</p> <p>19 Q You recognize it?</p> <p>20 A Yes.</p> <p>21 Q This is the most current edition; right?</p> <p>22 A Currently, that's right.</p> <p>23 Q I'm sorry. I don't have six copies of this.</p> <p>24 It's very heavy. But I do want to ask you about</p> <p>25 something.</p>

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<p style="text-align: right;">Page 126</p> <p>1 A Okay.</p> <p>2 Q So I'm referring to Chapter 14 of this book.</p> <p>3 And Chapter 14 is entitled "Surface Epithelial Tumors</p> <p>4 of the Ovary."</p> <p>5 You're familiar with this chapter; right?</p> <p>6 A Yes.</p> <p>7 Q And you're one of the authors of this chapter;</p> <p>8 right?</p> <p>9 A Yes.</p> <p>10 Q On page 681 of this chapter, you're</p> <p>11 discussing, for context, etiology and risk factors for</p> <p>12 ovarian cancer; right?</p> <p>13 A Well, I'll have to see. I can't read it from</p> <p>14 there.</p> <p>15 Q Well -- all right. So this is the title page,</p> <p>16 "Surface Epithelial Tumors of the Ovary."</p> <p>17 And you see the first section says</p> <p>18 "Epidemiology"; right?</p> <p>19 A Well, I can't. Maybe you can magnify it</p> <p>20 greater.</p> <p>21 Q Maybe.</p> <p>22 A I can see "Surface Epithelial," but I can't</p> <p>23 see the subheadings.</p> <p>24 MS. AHERN: I think part of it is the glare from</p> <p>25 the lighting is making it a little hard to read.</p>	<p style="text-align: right;">Page 128</p> <p>1 tubal ligation prevent the introduction</p> <p>2 of a variety of potential environmental</p> <p>3 carcinogens from entering the peritoneal</p> <p>4 cavity and thereby coming into contact</p> <p>5 with tubal and ovarian tissue."</p> <p>6 That's where I got that statement from.</p> <p>7 So are you now saying you disagree with your</p> <p>8 statements in this textbook with regard to</p> <p>9 environmental carcinogens?</p> <p>10 A Well, you have to understand textbooks. You</p> <p>11 basically cite what's out there. And what we're</p> <p>12 stating there is what some people have allegedly</p> <p>13 reported, so that we're trying to be complete.</p> <p>14 Q No, Doctor, that's not what somebody alleged</p> <p>15 in a report. That's the predominant theory. That's</p> <p>16 why that's in the textbook.</p> <p>17 You're not saying this is what a few people</p> <p>18 say. You're saying this because this is the</p> <p>19 predominant theory; right?</p> <p>20 A I didn't say --</p> <p>21 MS. AHERN: Objection. Argumentative.</p> <p>22 THE WITNESS: I didn't.</p> <p>23 MS. AHERN: Object to the form.</p> <p>24 THE WITNESS: Sorry.</p> <p>25 I didn't say anything about the predominance.</p>
<p style="text-align: right;">Page 127</p> <p>1 THE WITNESS: That's better.</p> <p>2 BY MR. DEARING:</p> <p>3 Q Okay. It'll be easy for you to read along</p> <p>4 with me, but...</p> <p>5 So this is the chapter on surface epithelial</p> <p>6 tumors of the ovary.</p> <p>7 A Correct.</p> <p>8 Q And then the first few pages discusses</p> <p>9 epidemiology; right?</p> <p>10 A Yes, it does.</p> <p>11 Q Okay. And then over here, one of the first</p> <p>12 sections it talks about is etiology and risk factors.</p> <p>13 See that at the bottom there?</p> <p>14 A Yes.</p> <p>15 Q Okay. Then I'm going -- I'm only showing you</p> <p>16 that to show you that's the section that we're in.</p> <p>17 A Okay.</p> <p>18 Q I'm flipping over to the next page, which is</p> <p>19 681. And at the bottom of 681, you see it says</p> <p>20 "Reproductive Factors."</p> <p>21 And then this is the part I want to read to</p> <p>22 you. So we're talking about etiology and risk factors</p> <p>23 and, within that heading, reproductive factors. And</p> <p>24 you say:</p> <p>25 "In addition, hysterectomy and</p>	<p style="text-align: right;">Page 129</p> <p>1 I said it's a view that's out there and that's</p> <p>2 reported. I didn't say anything about -- that it's the</p> <p>3 predominant.</p> <p>4 BY MR. DEARING:</p> <p>5 Q It wouldn't be in this textbook and written</p> <p>6 that way if it wasn't biologically plausible, would it</p> <p>7 be?</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: I'm not getting into biologically</p> <p>10 plausible. We've already discussed that. It's been</p> <p>11 described by some people. So in fairness to those</p> <p>12 other reports, we've included it in the chapter.</p> <p>13 BY MR. DEARING:</p> <p>14 Q But you didn't even cite to anybody else.</p> <p>15 There's no cite there.</p> <p>16 A It's kind of a general statement.</p> <p>17 Q So it's your testimony that you put that</p> <p>18 statement that tubal ligations and hysterectomies offer</p> <p>19 protective effect against environmental carcinogens</p> <p>20 because a few scientists have said that?</p> <p>21 MS. AHERN: Objection. Form. Argumentative.</p> <p>22 THE WITNESS: I didn't say "a few" or whatever. I</p> <p>23 just said it's out there. So I -- we mentioned it. We</p> <p>24 included it.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 130</p> <p>1 BY MR. DEARING:</p> <p>2 Q Do you agree with me that, with regard to this</p> <p>3 statement and the protective effect of hysterectomies</p> <p>4 and tubal ligations against the introduction of</p> <p>5 environmental carcinogens, that there's no qualifying</p> <p>6 language associated with this statement like "I don't</p> <p>7 really believe this" or "This is an outlier-type</p> <p>8 opinion"? There's nothing like that in that statement,</p> <p>9 is there?</p> <p>10 A That's true.</p> <p>11 Q And this textbook, which you just said is for</p> <p>12 doctors, medical students, scientists, people that want</p> <p>13 to know, if they wanted to know what's -- you know,</p> <p>14 does hysterectomy and tubal ligation offer protective</p> <p>15 effect against ovarian cancer, they would look to your</p> <p>16 textbook.</p> <p>17 And all it says is it does offer protective</p> <p>18 effect against environmental -- potential environmental</p> <p>19 carcinogens; right?</p> <p>20 MS. AHERN: Objection. Form.</p> <p>21 THE WITNESS: It's --</p> <p>22 BY MR. DEARING:</p> <p>23 Q In other words, there's no alternative view</p> <p>24 stated there, is there?</p> <p>25 MS. AHERN: Objection. Form.</p>	<p style="text-align: right;">Page 132</p> <p>1 see if you can make it --</p> <p>2 Q Sure. There you go.</p> <p>3 A Yeah, that's what it says.</p> <p>4 Q Okay. I wasn't trying to trick you.</p> <p>5 A Well, I just want to be sure if it's correctly</p> <p>6 stated.</p> <p>7 I have to make a minor equipment change here.</p> <p>8 Okay.</p> <p>9 Q This textbook was published in 2011; right?</p> <p>10 A That's correct.</p> <p>11 Q So it was published before you were retained</p> <p>12 as an expert by Johnson & Johnson; right?</p> <p>13 A Correct.</p> <p>14 Q Do you agree that if talc can reach the</p> <p>15 uterus, then it could reach the ovaries?</p> <p>16 A I don't --</p> <p>17 MS. AHERN: Objection. Form.</p> <p>18 THE WITNESS: I don't agree that talc can reach the</p> <p>19 uterus.</p> <p>20 BY MR. DEARING:</p> <p>21 Q Right. I'm just asking you hypothetically, if</p> <p>22 talc could reach the uterus, then do you think it could</p> <p>23 also reach the ovaries, either through retrograde</p> <p>24 menstruation or some other process?</p> <p>25 MS. AHERN: Objection. Form.</p>
<p style="text-align: right;">Page 131</p> <p>1 THE WITNESS: What's stated there is what's stated</p> <p>2 there, yes.</p> <p>3 BY MR. DEARING:</p> <p>4 Q Okay. While I have the book open, I asked you</p> <p>5 a specific question about whether you agreed that</p> <p>6 retrograde menstruation is a common physiologic process</p> <p>7 that occurs in 90 percent of menstruating women with</p> <p>8 normal unoccluded fallopian tubes, and you said you</p> <p>9 think that it's a lot of women or it's a majority.</p> <p>10 A Yeah, it is pretty high.</p> <p>11 Q Well, would it surprise you that that</p> <p>12 90 percent came from your textbook?</p> <p>13 A Well, I'd like to see it.</p> <p>14 Q Okay. On page 642 where you're describing</p> <p>15 endometriosis, see there, and usual sites?</p> <p>16 A I see that.</p> <p>17 Q The next column over where I have the blue</p> <p>18 marker, it says:</p> <p>19 "Retrograde menstruation through</p> <p>20 the fallopian tubes is a common</p> <p>21 physiologic process occurring in</p> <p>22 90 percent of menstruating women with</p> <p>23 patent tubes."</p> <p>24 Do you agreed with that statement?</p> <p>25 A Well, can I -- I can't read that. I want to</p>	<p style="text-align: right;">Page 133</p> <p>1 THE WITNESS: Again, there's no data. I have no --</p> <p>2 no data, so I can't say that it could.</p> <p>3 BY MR. DEARING:</p> <p>4 Q Well, I'm asking you as a 40-year experienced</p> <p>5 gynecologic pathologist. Okay. Relying on all the</p> <p>6 experience that you've -- relying on all of your</p> <p>7 experience, do you have an opinion either way whether,</p> <p>8 if talc could reach the uterus, then it could probably</p> <p>9 reach the ovaries?</p> <p>10 A Pure speculation. I can't comment on that.</p> <p>11 Q Well, you're an expert. You are allowed to</p> <p>12 speculate.</p> <p>13 A Doesn't matter if I'm an expert. It's</p> <p>14 speculation.</p> <p>15 Q Okay. So you --</p> <p>16 A It's meaningless.</p> <p>17 Q So you don't have an opinion either way?</p> <p>18 A I told you I don't think it could reach the</p> <p>19 uterus, and I don't -- and, therefore, I don't think it</p> <p>20 can go any further. It can't get to the uterus.</p> <p>21 Q If it was implanted in the uterus, do you</p> <p>22 think could reach the ovaries?</p> <p>23 MS. AHERN: Objection. Form.</p> <p>24 THE WITNESS: Again, show me a study where they've</p> <p>25 done that, and then I can, you know, intelligently</p>

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<p style="text-align: right;">Page 134</p> <p>1 discuss it.</p> <p>2 BY MR. DEARING:</p> <p>3 Q So without seeing a study, you have no opinion</p> <p>4 either way whether talc could move from the uterus to</p> <p>5 the ovary?</p> <p>6 A That's not science. It's just speculation.</p> <p>7 Q Okay. Is retrograde menstruation one of those</p> <p>8 biologically plausible ideas that you do believe exists</p> <p>9 even though you haven't seen it take place?</p> <p>10 MS. AHERN: Objection. Form.</p> <p>11 THE WITNESS: Wait. I'm sorry.</p> <p>12 BY MR. DEARING:</p> <p>13 Q You have testified you've never seen</p> <p>14 retrograde menstruation take place, but you do say that</p> <p>15 it's biologically plausible.</p> <p>16 A Well, I said, in fact, that I've seen, in</p> <p>17 microscopic sections of the fallopian tube, parts of</p> <p>18 endometrial tissue and blood in the lumen of the</p> <p>19 fallopian tube. So, yes, I think it can occur.</p> <p>20 Q I can't remember if you answered this. If you</p> <p>21 did, I apologize.</p> <p>22 You've said retrograde menstruation occurs</p> <p>23 during the regular menstrual cycle of a woman. And I</p> <p>24 said does that mean you're saying it flows both ways at</p> <p>25 the same time, and you said yes.</p>	<p style="text-align: right;">Page 136</p> <p>1 THE WITNESS: Well, I should say that, at times,</p> <p>2 there can be a lesion that comes from another site that</p> <p>3 mimics serous tubal intraepithelial carcinoma, so you</p> <p>4 have to be very careful when you draw that conclusion.</p> <p>5 BY MR. DEARING:</p> <p>6 Q Sir, that's not the question I'm asking.</p> <p>7 A Oh, okay.</p> <p>8 Q Can a trained pathologist tell by looking at a</p> <p>9 tumor whether it came from the fallopian tube or</p> <p>10 whether it originated at the ovaries?</p> <p>11 A Well, you can't do it simply on H&E analysis.</p> <p>12 You really require molecular analysis to demonstrate</p> <p>13 that it's cloned, that the same genetic alterations</p> <p>14 that are present in the STIC are present in the -- in</p> <p>15 the corresponding ovarian cancer.</p> <p>16 Q So a surgical pathologist, for example,</p> <p>17 looking at a surgical specimen from an oophorectomy</p> <p>18 that's been diagnosed, at least before surgery, as</p> <p>19 ovarian cancer can't tell if that carcinoma originated</p> <p>20 from the ovary or the fallopian tube by looking at the</p> <p>21 tumor; right?</p> <p>22 MS. AHERN: Objection. Form.</p> <p>23 THE WITNESS: Just looking at the H&E, based on the</p> <p>24 studies that have been published, I think it would be</p> <p>25 reasonable to suspect that that's where it came from.</p>
<p style="text-align: right;">Page 135</p> <p>1 Do you know what specifically causes it to</p> <p>2 flow upstream, you know, towards the fallopian tube?</p> <p>3 A I have no idea. I don't think anyone has.</p> <p>4 Q In your report, on page 6, under the section</p> <p>5 "Precursor Lesions" --</p> <p>6 A Yes.</p> <p>7 Q -- you state:</p> <p>8 "Our understanding of the</p> <p>9 pathogenesis of ovarian cancer has</p> <p>10 advanced in the last few years with the</p> <p>11 recognition that many high-grade serous</p> <p>12 carcinomas developed from a precursor</p> <p>13 lesion in the fallopian tube designated</p> <p>14 serous tubal intraepithelial carcinomas</p> <p>15 or STIC."</p> <p>16 Did I read that right?</p> <p>17 A Yes, that's correctly stated as it's written,</p> <p>18 yes.</p> <p>19 Q Do you believe that most high-grade serous</p> <p>20 ovarian cancers derive from the fallopian tube?</p> <p>21 A I do.</p> <p>22 Q Can a trained pathologist tell if a cancer</p> <p>23 derived from the fallopian tube by looking at it under</p> <p>24 a microscope?</p> <p>25 MS. AHERN: Objection. Form.</p>	<p style="text-align: right;">Page 137</p> <p>1 BY MR. DEARING:</p> <p>2 Q But there's no characteristic about the tumor</p> <p>3 that tells you that; right? There's nothing you can</p> <p>4 see under a microscope where you could say, "Oh, that</p> <p>5 came from the fallopian tube versus ovarian primary"?</p> <p>6 MS. AHERN: Object.</p> <p>7 THE WITNESS: That's correct.</p> <p>8 BY MR. DEARING:</p> <p>9 Q And when you're using the term "precursor</p> <p>10 lesion" in your report, what do you mean by that? How</p> <p>11 do you define "precursor lesion"?</p> <p>12 A Well, it's a lesion that precedes the</p> <p>13 development of, in this case, invasive carcinoma.</p> <p>14 Because a STIC is a cancer in situ, if you will, but</p> <p>15 there are other lesions in the p53 signatures which are</p> <p>16 benign that appear to precede the development of STICs.</p> <p>17 Q And you don't believe type 1 tumors originate</p> <p>18 in the fallopian tube, do you?</p> <p>19 A Well, we think possibly that some low-grade</p> <p>20 serous carcinomas, which are type 1 tumors, may well</p> <p>21 arise from fallopian tube, but in a different</p> <p>22 mechanism.</p> <p>23 Q Can you give me an example of a fallopian tube</p> <p>24 precursor lesion that may be a precursor for any type</p> <p>25 of ovarian cancer?</p>

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<p style="text-align: right;">Page 138</p> <p>1 A STIC, or p53 signature.</p> <p>2 Q So you're saying it is a -- that type 2 tumors</p> <p>3 start out as serous tubal intraepithelial carcinomas in</p> <p>4 the fallopian tube, and then somehow migrate from the</p> <p>5 fallopian tube to the ovaries?</p> <p>6 MS. AHERN: Objection. Form.</p> <p>7 THE WITNESS: Yes. That's correct.</p> <p>8 BY MR. DEARING:</p> <p>9 Q What mechanism propels it through the</p> <p>10 fallopian tube to make it implant on the ovary?</p> <p>11 A Well, there may be a number of ways. One way</p> <p>12 is that these STIC cells have this cohesiveness, so</p> <p>13 that they are breaking off and they can fall into the</p> <p>14 fallopian tube and they could migrate up that way, or</p> <p>15 they might even be -- even though they are noninvasive,</p> <p>16 there may be a way, it has been suggested -- I'm not</p> <p>17 sure it is well documented -- it somehow may get into</p> <p>18 lymphatics and get into the ovary that way.</p> <p>19 Q What are some of the causes of fallopian tube</p> <p>20 precursor lesions?</p> <p>21 MS. AHERN: Objection. Form.</p> <p>22 THE WITNESS: We don't know what they are.</p> <p>23 BY MR. DEARING:</p> <p>24 Q Could environmental carcinogens be a potential</p> <p>25 cause of a tubal precursor lesion?</p>	<p style="text-align: right;">Page 140</p> <p>1 MS. AHERN: Objection.</p> <p>2 THE WITNESS: Please rephrase the question.</p> <p>3 MR. DEARING: Sure.</p> <p>4 BY MR. DEARING:</p> <p>5 Q You obviously think that this precursor tubal</p> <p>6 lesion idea that is a precursor lesion for ovarian</p> <p>7 cancers --</p> <p>8 A For high-grade serous ovarian cancers.</p> <p>9 Q And some low-grade, you said?</p> <p>10 A No, no. It's a different mechanism.</p> <p>11 Q Let's stick with high-grade serous. That's</p> <p>12 the majority of cancers anyway, isn't it?</p> <p>13 A Yes.</p> <p>14 Q So are you saying that these tubal lesions</p> <p>15 are -- are you saying it's biologically plausible that</p> <p>16 these tubal lesions are precursor lesions to high-grade</p> <p>17 serous carcinomas where they're starting in the tube</p> <p>18 and implanting in the ovary?</p> <p>19 A That's the mechanism we think is at play, yes.</p> <p>20 Q And you believe that's a biologically</p> <p>21 plausible explanation for that process even though you</p> <p>22 don't know what's causing the tubal lesions; right?</p> <p>23 MS. AHERN: Objection. Form.</p> <p>24 THE WITNESS: We're saying that we don't know the</p> <p>25 cause of STIC, but we know that it has mutations and</p>
<p style="text-align: right;">Page 139</p> <p>1 A Well, we haven't made that finding yet.</p> <p>2 Q If talc could reach the fallopian tubes, could</p> <p>3 talc serve as a catalyst for a precursor lesion that</p> <p>4 would create a STIC that might lead to an ovarian</p> <p>5 cancer?</p> <p>6 MS. AHERN: Objection. Form.</p> <p>7 THE WITNESS: Well, based on what we've seen with</p> <p>8 talc in other locations, such as when it's used in</p> <p>9 pleurodesis -- long-term studies have not shown the</p> <p>10 development of carcinoma -- I don't think it would</p> <p>11 cause ovarian cancer.</p> <p>12 BY MR. DEARING:</p> <p>13 Q Well, if -- if foreign bodies aren't causing</p> <p>14 tubal precursor lesions, can you give me an example of</p> <p>15 anything that does? Anything that's not bacterial.</p> <p>16 MS. AHERN: Objection. Form.</p> <p>17 THE WITNESS: It's an area we just don't know.</p> <p>18 Something causes a p53 mutation -- we don't know what</p> <p>19 it does, what it is -- and that starts the ball</p> <p>20 rolling.</p> <p>21 BY MR. DEARING:</p> <p>22 Q And you think that's a biologically plausible</p> <p>23 explanation for the carcinogenesis of some ovarian</p> <p>24 cancers even though you've never seen it?</p> <p>25 A May I please --</p>	<p style="text-align: right;">Page 141</p> <p>1 morphologic changes that are exactly the same as those</p> <p>2 in high-grade serous carcinomas. So we're able to make</p> <p>3 that jump, but we don't know -- we'd love to know what</p> <p>4 the cause of a STIC is. Prevention is, to me, the only</p> <p>5 way we're going to make headway and, really, an impact</p> <p>6 on preventing the development of that. But we have no</p> <p>7 idea what it is that we need to prevent at this point.</p> <p>8 BY MR. DEARING:</p> <p>9 Q Could tubal exposure to exogenous or</p> <p>10 environmental materials cause tubal precursor lesions?</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 THE WITNESS: We don't know.</p> <p>13 BY MR. DEARING:</p> <p>14 Q Well, are these serous tubal intraepithelial</p> <p>15 carcinomas -- do they derive from inflammation? Or do</p> <p>16 you not know that either?</p> <p>17 A No, I see -- I've looked at a lot of these,</p> <p>18 and I've never seen inflammation of any type associated</p> <p>19 with STICs.</p> <p>20 Q Are you aware of any reason why a potential</p> <p>21 environmental carcinogen could not be a cause or a</p> <p>22 precipitating exposure of a STIC?</p> <p>23 MS. AHERN: Objection. Form.</p> <p>24 THE WITNESS: Please repeat the question.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 142</p> <p>1 BY MR. DEARING:</p> <p>2 Q So you said you don't know, or we don't know,</p> <p>3 whether environmental materials are causing these</p> <p>4 STICs.</p> <p>5 A Right.</p> <p>6 Q Is there any particular reason why it could</p> <p>7 not be an environmental material causing these STICs?</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: It is a negative question. I mean,</p> <p>10 we don't know. It doesn't tell me anything. I still</p> <p>11 can't really quite figure out what you're driving at.</p> <p>12 BY MR. DEARING:</p> <p>13 Q Well, let me ask it in the positive form of</p> <p>14 that question. Is it possible that some of those</p> <p>15 precursor lesions are caused by environmental</p> <p>16 materials?</p> <p>17 MS. AHERN: Objection. Form.</p> <p>18 THE WITNESS: We need to see the data.</p> <p>19 BY MR. DEARING:</p> <p>20 Q So you can't say yes or no to that question?</p> <p>21 A That's right. It's not known.</p> <p>22 Q Well, you would agree that it is well known</p> <p>23 that tubal epithelial inflammation can stimulate</p> <p>24 proliferation of the epithelium and instigate</p> <p>25 pathogenesis of tubal hyperplasia; right?</p>	<p style="text-align: right;">Page 144</p> <p>1 in the pathogenesis of papillary tubal hyperplasia and</p> <p>2 endosalpingiosis."</p> <p>3 A Sounds like it's taken out of my paper.</p> <p>4 Q It is.</p> <p>5 A Our paper. But, again, we talked about it</p> <p>6 earlier. That refers specifically to serous borderline</p> <p>7 tumors, which is a precursor, if you will, of low-grade</p> <p>8 serous carcinoma, not high-grade serous carcinoma.</p> <p>9 They're different. They're totally different.</p> <p>10 Q Okay. Well, let's talk about low-grade serous</p> <p>11 carcinomas and borderline tumors.</p> <p>12 A Okay.</p> <p>13 Q Are you agreeing with me, then, with regard to</p> <p>14 those tumors that an inflammatory process within the</p> <p>15 fallopian tube is what stimulates the proliferation of</p> <p>16 the tubal epithelium?</p> <p>17 A That's our hypothesis. That is to say that</p> <p>18 inflammation virtually -- basically meaning pelvic</p> <p>19 inflammatory disease due to sexually transmitted</p> <p>20 disease -- we haven't demonstrated that, but that's our</p> <p>21 thinking. So it's a hypothesis that we've put out</p> <p>22 because inflammation of that sort can produce</p> <p>23 proliferation of tubal epithelium.</p> <p>24 Proliferation of tubal epithelium in and of</p> <p>25 itself doesn't mean it's going to go on to the next</p>
<p style="text-align: right;">Page 143</p> <p>1 MS. AHERN: Objection. Form.</p> <p>2 THE WITNESS: That's correct. That's in our paper.</p> <p>3 BY MR. DEARING:</p> <p>4 Q So inflammation can play a role in the</p> <p>5 development of some precursor lesions within the</p> <p>6 fallopian tube.</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 THE WITNESS: Proliferation isn't the precursor</p> <p>9 lesion. Proliferation can occur in completely benign</p> <p>10 conditions. It has nothing to do with cancer.</p> <p>11 BY MR. DEARING:</p> <p>12 Q Right. But it's the epithelial inflammation</p> <p>13 that's creating the proliferation of the epithelium;</p> <p>14 right?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: The epithelial -- the inflammation</p> <p>17 that we describe in our paper on papillary tubal</p> <p>18 hyperplasia, I think it's important to point out, is</p> <p>19 due to pelvic inflammatory disease, not due to talc</p> <p>20 exposure.</p> <p>21 BY MR. DEARING:</p> <p>22 Q Tell me if you agree with this sentence: "It</p> <p>23 is well known that an inflammation may stimulate</p> <p>24 proliferation of tubal epithelium; and, therefore, it</p> <p>25 is plausible that chronic salpingitis may play a role</p>	<p style="text-align: right;">Page 145</p> <p>1 step, a borderline tumor. You may have tubal</p> <p>2 proliferation; nothing else happens.</p> <p>3 Q Do you have any opinion as to what may be</p> <p>4 causing inflammation that may stimulate proliferation</p> <p>5 of tubal epithelium?</p> <p>6 A As I said, we're thinking maybe pelvic</p> <p>7 inflammatory disease, chlamydia, gonorrhea, those kinds</p> <p>8 of sexually transmitted diseases may account for that.</p> <p>9 Q So when you say in your report, "I have</p> <p>10 participated in a number of studies assessing the</p> <p>11 characteristics of" --</p> <p>12 A Where are we talking about now?</p> <p>13 Q I'm sorry. Page 18.</p> <p>14 A Okay. I'm at 18.</p> <p>15 Q It's near the top.</p> <p>16 A Okay.</p> <p>17 Q It's right in the middle of the first</p> <p>18 paragraph.</p> <p>19 A Okay. "I have participated." Go ahead, yeah.</p> <p>20 Q "I have participated in a number</p> <p>21 of studies assessing the characteristics</p> <p>22 of serous tubal intraepithelial</p> <p>23 carcinomas and have not found them to be</p> <p>24 associated with inflammation."</p> <p>25 That statement is not true if you substituted</p>

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<p>1 STIC for low-grade serous carcinomas; right?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: STICs are precursors of high-grade</p> <p>4 serous carcinoma --</p> <p>5 BY MR. DEARING:</p> <p>6 Q I know.</p> <p>7 A -- not low-grade.</p> <p>8 Q Right. But my point is, even though you say</p> <p>9 you have not seen STICs associated with inflammation,</p> <p>10 you have seen low-grade serous carcinomas associated</p> <p>11 with inflammation; right? That's what we were just</p> <p>12 talking about.</p> <p>13 A We've seen --</p> <p>14 MS. AHERN: Objection. Form.</p> <p>15 THE WITNESS: Sorry.</p> <p>16 We have seen inflammation associated with</p> <p>17 papillary tubal hyperplasia. That's what that paper</p> <p>18 shows.</p> <p>19 BY MR. DEARING:</p> <p>20 Q Well, papillary tubal hyperplasia can be a</p> <p>21 precursor lesion to ovarian cancer, can't it?</p> <p>22 MS. AHERN: Objection. Form.</p> <p>23 THE WITNESS: Can be a precursor of borderline</p> <p>24 tumors, which can then be a precursor -- not all of</p> <p>25 them. Very few of them progress to low-grade serous</p>	<p>1 MS. AHERN: Objection. Form.</p> <p>2 THE WITNESS: We're again talking about ovarian</p> <p>3 high-grade serous carcinomas.</p> <p>4 BY MR. DEARING:</p> <p>5 Q Yes.</p> <p>6 A Yes, I think that happens.</p> <p>7 Q Okay. So one of the things you said</p> <p>8 previously was you don't believe talc can cause ovarian</p> <p>9 cancer because you've seen no evidence that talc causes</p> <p>10 foreign-body granulomatous reactions in gynecologic</p> <p>11 tissue; right?</p> <p>12 MS. AHERN: Objection. Mischaracterizes testimony.</p> <p>13 BY MR. DEARING:</p> <p>14 Q Does that mischaracterize your testimony?</p> <p>15 A Repeat what you just said.</p> <p>16 Q Sure.</p> <p>17 You said you do not believe that talcum powder</p> <p>18 exposure can cause ovarian cancer of any sort because</p> <p>19 you have not seen evidence of a foreign-body reaction,</p> <p>20 granulomatous reaction, to talc in gynecologic tissue?</p> <p>21 MS. AHERN: Same objection. Mischaracterizes</p> <p>22 testimony.</p> <p>23 BY MR. DEARING:</p> <p>24 Q What did I get wrong?</p> <p>25 A Yes. Okay.</p>
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<p>1 carcinoma. So it could be, but many of them don't.</p> <p>2 BY MR. DEARING:</p> <p>3 Q Well, and, of course, some borderline serous</p> <p>4 tumors progress into invasive serous tumors, don't</p> <p>5 they?</p> <p>6 A They progress to invasive low-grade serous</p> <p>7 carcinomas, some of them.</p> <p>8 Q And they can also implant in other organs,</p> <p>9 can't they?</p> <p>10 A Yes, they can.</p> <p>11 Q Incidentally, this paper that we're talking</p> <p>12 about, the papillary tubal hyperplasia paper that you</p> <p>13 wrote, it also includes some epidemiology information,</p> <p>14 doesn't it?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: You'll have to tell me -- show me</p> <p>17 exactly what you are talking about.</p> <p>18 MR. DEARING: Actually, you know what? I'm not.</p> <p>19 Let's move on with this.</p> <p>20 BY MR. DEARING:</p> <p>21 Q Do you agree that ovarian cancer precursor</p> <p>22 lesions are rarely seen or observed because ovarian</p> <p>23 carcinomas typically present in advanced stage and</p> <p>24 those precursor lesions are obliterated or rendered</p> <p>25 unrecognizable by the cancer?</p>	<p>1 Q Is that your testimony?</p> <p>2 A Yes.</p> <p>3 Q Your attorney doesn't think so.</p> <p>4 MS. AHERN: The record will reflect --</p> <p>5 BY MR. DEARING:</p> <p>6 Q Did I say it right?</p> <p>7 MS. AHERN: -- what his testimony was earlier.</p> <p>8 THE WITNESS: You said the ovary.</p> <p>9 BY MR. DEARING:</p> <p>10 Q In fact, you said, "I don't even think it's</p> <p>11 biologically plausible because I've never seen it."</p> <p>12 Right? Remember that whole line of questions?</p> <p>13 A I've never seen talc, yeah, in association</p> <p>14 with precursor lesions or high-grade ovarian carcinoma.</p> <p>15 Q Right. What you said is you didn't believe</p> <p>16 talc could cause ovarian cancer because you haven't</p> <p>17 seen the foreign-body granulomatous response to talc</p> <p>18 that you would expect to see --</p> <p>19 MS. AHERN: Objection. Form.</p> <p>20 BY MR. DEARING:</p> <p>21 Q -- from talc exposure; right?</p> <p>22 MS. AHERN: Mischaracterizing testimony.</p> <p>23 THE WITNESS: I think we need to be clear that,</p> <p>24 even if we saw -- even if we saw talc in the case of</p> <p>25 ovarian cancer, it doesn't mean that it caused it.</p>

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<p style="text-align: right;">Page 150</p> <p>1 It's just like I said with the HSV, which all those 2 studies showed HSV and cervical cancer and it was 3 totally wrong. So the fact that you see it in there 4 doesn't mean it's causing them. 5 In fact, in order to have any kind of -- 6 you've got to focus on early lesions. Those are the 7 precursors. That's where the cancer starts, not in the 8 end product, which is cancer. You can see 9 inflammation, of course, all over the place in a 10 cancer. 11 BY MR. DEARING: 12 Q Right. I'm just trying to make sure that I 13 have this fine point of your testimony correct, and 14 that is, is it your opinion that talc cannot cause 15 ovarian cancer of any sort because you have seen no 16 evidence that talc elicits a foreign-body granulomatous 17 response in gynecologic tissue? 18 MS. AHERN: Objection. Mischaracterizes his 19 testimony. 20 THE WITNESS: We've seen talc does not cause 21 ovarian cancer. So one has nothing to do with the 22 other. 23 BY MR. DEARING: 24 Q Have you observed any precancerous lesions in 25 ovarian tissue?</p>	<p style="text-align: right;">Page 152</p> <p>1 obliterated or rendered unrecognizable by the cancer? 2 A Can be. 3 MS. AHERN: Objection. Form. 4 THE WITNESS: Can be. 5 BY MR. DEARING: 6 Q Can be what? 7 A Can be obliterated. Not in all cases. Most 8 of the cases you see it -- or many of the cases you see 9 it. Some cases you don't, so we've come to the -- 10 well, we've done a study to show that women who have 11 high-grade serous carcinoma, all stages, with STICs and 12 compare them to women, all -- this high-grade serous 13 carcinoma, all stages without STICs, we've analyzed the 14 molecular genetic features of those carcinomas. They 15 are no different between the ones with STICs and the 16 ones without STICs. Consequently, we think that some 17 of those cases in which you don't see evidence of the 18 STIC was due to overgrowth by the cancer. But a lot of 19 times, the STIC is evident. 20 BY MR. DEARING: 21 Q Do you agree that those precursor lesions are 22 rarely seen or observed? 23 MS. AHERN: Objection. Form. 24 BY MR. DEARING: 25 Q That's what the statement says, they are</p>
<p style="text-align: right;">Page 151</p> <p>1 A In ovarian tissue, precancerous lesions? Very 2 interesting question. We -- and I say "we," the 3 pathology community -- spent 40 years looking for 4 precursors in ovarian tissue and never found it. So 5 that's why the STIC was such a finding, was such a 6 surprise, and was such a revelation in terms of 7 elucidating the early lesions that could go on to the 8 development of high-grade serous carcinoma. 9 Q So have you seen precursor lesions in ovaries? 10 A No. 11 MS. AHERN: Objection. Form. 12 BY MR. DEARING: 13 Q Have you even precursor lesions that are 14 precancerous in fallopian tubes? 15 A That's what we are talking about. STICs, we 16 think, are precursors of invasive cancer. P53 17 signatures in the fallopian tube are precursors, in 18 some instances, of STICs. 19 Q And when you're observing the STICs, are you 20 observing them in the fallopian tube or in the ovary? 21 A In the fallopian tube. 22 Q So back to my statement. Do you agree that 23 ovarian cancer precursor lesions are rarely seen or 24 observed because ovarian carcinomas typically present 25 in advanced stage and those precursor lesions are</p>	<p style="text-align: right;">Page 153</p> <p>1 rarely seen or observed. Do you agree with that? 2 A What statement is this? 3 Q One I've read twice now. I can read it a 4 third time if you would like. 5 A Read it again, please. 6 Q Do you agree that ovarian cancer -- 7 A Can you show me where you reading from? 8 Q Yes. Do you agree that ovarian -- 9 A No, I want to see it. 10 Q Listen to it first. 11 Do you agree that ovarian cancer precursor 12 lesions are rarely seen or observed because ovarian 13 carcinomas typically present in advanced stage and 14 those precursor lesions are obliterated or rendered 15 unrecognizable by the cancer? 16 MS. AHERN: Objection. Form. 17 THE WITNESS: Okay. Not rarely. I would disagree 18 with "rarely." 19 BY MR. DEARING: 20 Q Rarely. Okay. 21 A Right. In other words, yeah, sometimes you 22 don't see them; many times you do see them. 23 Q Okay. Turning to page 685 of the same 24 Blaustein textbook you looked at earlier, I'm still in 25 Chapter 14, of which you were an author.</p>

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<p style="text-align: right;">Page 154</p> <p>1 MS. AHERN: Page -- I'm sorry -- 285?</p> <p>2 MR. DEARING: 685.</p> <p>3 MS. AHERN: 685. Thank you.</p> <p>4 MR. DEARING: I'll try to position this.</p> <p>5 MS. AHERN: What year is that edition?</p> <p>6 THE WITNESS: 2011, I think.</p> <p>7 MR. DEARING: It's the most current.</p> <p>8 THE WITNESS: You can see that.</p> <p>9 MS. AHERN: Okay. Thank you.</p> <p>10 BY MR. DEARING:</p> <p>11 Q It's under the subheading "Putative</p> <p>12 Histopathologic Precursor Lesions." And you write:</p> <p>13 "The study of precursors of ovarian</p> <p>14 carcinoma is difficult because the</p> <p>15 ovaries are not readily accessible for</p> <p>16 screening and ovarian carcinomas</p> <p>17 typically present in advanced stage,</p> <p>18 obliterating or rendering unrecognizable</p> <p>19 any precursor lesion that may be</p> <p>20 present. Furthermore, identification of</p> <p>21 a putative precursor lesion is based on</p> <p>22 microscopic examination of a complete</p> <p>23 resection; and, therefore, the natural</p> <p>24 history of the lesion cannot be</p> <p>25 observed."</p>	<p style="text-align: right;">Page 156</p> <p>1 end-stage disease; right?</p> <p>2 MS. AHERN: Object to the form.</p> <p>3 THE WITNESS: You're said saying "most," and I</p> <p>4 don't agree with "most."</p> <p>5 BY MR. DEARING:</p> <p>6 Q You don't agree with "most"?</p> <p>7 A No.</p> <p>8 Q Okay. Some?</p> <p>9 A Some, yeah. Some might be obliterated.</p> <p>10 Q Can you put a percentage on how many ovarian</p> <p>11 cancer cases you've looked at under a microscope where</p> <p>12 you've observed precursor lesions?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: I can't give you a number.</p> <p>15 BY MR. DEARING:</p> <p>16 Q Is it half?</p> <p>17 A I've seen a lot of them. I can't give you --</p> <p>18 over the years. I can't give you a number.</p> <p>19 Q How about in the last ten years?</p> <p>20 MS. AHERN: Objection. Form.</p> <p>21 THE WITNESS: Doesn't make any difference. I would</p> <p>22 see ovarian cancers -- I'd see maybe 30 cases in a week</p> <p>23 or two weeks. It's a large number of cases. Do I</p> <p>24 remember how many I've seen with STICs? It's</p> <p>25 impossible.</p>
<p style="text-align: right;">Page 155</p> <p>1 So do you agree with that statement as it's</p> <p>2 written in your textbook?</p> <p>3 MS. AHERN: Objection. Form.</p> <p>4 THE WITNESS: Can I -- I couldn't really read it.</p> <p>5 Let me just see it. I'm sure you are right.</p> <p>6 So you're talking about the underlined area.</p> <p>7 Okay. "The study of precursor" --</p> <p>8 Well, you read it correctly. That's what is</p> <p>9 stated. This edition was published in 2011. A lot has</p> <p>10 changed since then. It is 2019 now. More and more</p> <p>11 data coming out. And the study that I just mentioned</p> <p>12 to you, which I think is very persuasive, is that in</p> <p>13 some instances the precursor lesion is obliterated;</p> <p>14 however, those cancers -- and that's proven by the fact</p> <p>15 that those cancers in which we don't see a STIC are the</p> <p>16 same on a molecular analysis as ovarian carcinomas in</p> <p>17 which we do see a STIC, suggesting that, in some</p> <p>18 instances, it's overgrown but not in all by any</p> <p>19 instance. You know, we've learned a lot since 2011.</p> <p>20 BY MR. DEARING:</p> <p>21 Q Sure. Well, no matter how advanced the</p> <p>22 science has become in the last eight years, it doesn't</p> <p>23 change the fact that most of the precursor lesions get</p> <p>24 obliterated by the tumor, right, because, by the time</p> <p>25 they're clinical, most of these poor women are in</p>	<p style="text-align: right;">Page 157</p> <p>1 BY MR. DEARING:</p> <p>2 Q I'm not asking for a number, but it seems if</p> <p>3 you observed precursor lesions, that's something that</p> <p>4 would stand out in your mind, wouldn't it?</p> <p>5 MS. AHERN: Objection. Form.</p> <p>6 THE WITNESS: Well, not really.</p> <p>7 BY MR. DEARING:</p> <p>8 Q Are you even looking for precursor lesions</p> <p>9 when you're doing a surgical pathology evaluation?</p> <p>10 A Of course we look for them.</p> <p>11 Q So you look for them in every case?</p> <p>12 A Every case when the tissue is available, yeah.</p> <p>13 Q So you look for them in every case but you</p> <p>14 have no idea how often you find them?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: I can't give you a number.</p> <p>17 BY MR. DEARING:</p> <p>18 Q So what has specifically developed in the</p> <p>19 science that changed from "rarely seen" to "often seen"</p> <p>20 in the last nine -- last eight years?</p> <p>21 MS. AHERN: Objection. Form. Mischaracterizes</p> <p>22 testimony.</p> <p>23 THE WITNESS: I didn't -- I'll repeat the same</p> <p>24 thing again. In some instances, you can see a STIC</p> <p>25 lesion and a high-grade serous carcinoma. In other</p>

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<p>1 instances -- and I can't give you a percentage -- you</p> <p>2 will not see a STIC lesion and a similar-looking</p> <p>3 high-grade serous carcinoma, which we believe is due to</p> <p>4 the fact that that STIC lesion has been overgrown by</p> <p>5 the carcinoma. That's all I can say.</p> <p>6 BY MR. DEARING:</p> <p>7 Q I should have started with that statement.</p> <p>8 So in some cases where you don't see a</p> <p>9 precursor lesion, do you -- do you still attribute</p> <p>10 precursor lesions to be the carcinogenesis of the</p> <p>11 tumor?</p> <p>12 MS. AHERN: Objection. Form.</p> <p>13 THE WITNESS: Well, based on that study that I</p> <p>14 mentioned to you a few minutes ago, that's what we're</p> <p>15 saying, yes.</p> <p>16 BY MR. DEARING:</p> <p>17 Q Okay. Let's talk about something else.</p> <p>18 Do you believe that the introduction of</p> <p>19 foreign material through the vagina and uterine cavity</p> <p>20 can cause inflammation and play an important role in</p> <p>21 ovarian carcinogenesis?</p> <p>22 MS. AHERN: Objection. Form.</p> <p>23 THE WITNESS: Could you specifically tell me what</p> <p>24 you're thinking about? What -- what are you referring</p> <p>25 to?</p>	<p>1 menstruation-induced salpingitis or by</p> <p>2 the introduction of foreign material</p> <p>3 through the vagina and uterine cavity</p> <p>4 plays an important role in ovarian</p> <p>5 carcinogenesis. Evidence of a</p> <p>6 pro-inflammatory microenvironment in</p> <p>7 endometriosis supports this hypothesis</p> <p>8 for type 1 tumors. High-grade serous</p> <p>9 carcinomas are associated with chronic</p> <p>10 salpingitis in 53 percent of cases</p> <p>11 significantly more often than 23 percent</p> <p>12 seen in nonserous tumors, lending</p> <p>13 circumstantial support to this</p> <p>14 hypothesis."</p> <p>15 So this hypothesis about inflammation, and</p> <p>16 particularly the part about introduction of foreign</p> <p>17 material through the vagina and uterine cavity, is that</p> <p>18 a plausible mechanism for inflammation?</p> <p>19 A Let me -- I can see it, but --</p> <p>20 Q The entire section.</p> <p>21 A Yeah, yeah. I just want to check this out.</p> <p>22 I see these references.</p> <p>23 Q By the way, I'm not disagreeing with you --</p> <p>24 with that statement.</p> <p>25 A I notice the first reference is from Ness,</p>
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<p>1 BY MR. DEARING:</p> <p>2 Q Your textbook, Chapter 14, just past what we</p> <p>3 read previously.</p> <p>4 MS. AHERN: Page? Sorry.</p> <p>5 MR. DEARING: Let me find it.</p> <p>6 MS. AHERN: Okay.</p> <p>7 MR. DEARING: Oh. I was looking right at it and</p> <p>8 just didn't see it.</p> <p>9 BY MR. DEARING:</p> <p>10 Q Under your section entitled "Inflammation."</p> <p>11 MS. AHERN: Page, I'm sorry.</p> <p>12 MR. DEARING: I'm sorry, page 682.</p> <p>13 MS. AHERN: Thank you.</p> <p>14 MR. DEARING: Chapter 14.</p> <p>15 Let me see if I can blow this up so we can all</p> <p>16 see it.</p> <p>17 BY MR. DEARING:</p> <p>18 Q It says under "Inflammation" -- and, again,</p> <p>19 we're in the chapter called "Serous Epithelial Tumors</p> <p>20 of the Ovary." And specifically, we're talking about</p> <p>21 etiology and risk factors.</p> <p>22 "Inflammation: It has been</p> <p>23 suggested that inflammation potentially</p> <p>24 cited by ovulation-induced surface</p> <p>25 damage by retrograde</p>	<p>1 who's written on this subject. And I don't say I</p> <p>2 entirely agree with her. In fact, I don't.</p> <p>3 287 -- who has been an expert witness for</p> <p>4 plaintiffs.</p> <p>5 287...</p> <p>6 Q Did you believe her before she became an</p> <p>7 expert witness for plaintiffs?</p> <p>8 A No.</p> <p>9 287. Gee, you know, I'm not sure that that</p> <p>10 reference is correct. I'd have to read the article</p> <p>11 specifically because it's -- the title of the article</p> <p>12 is "The Fallopian Tube: Primary Site of Most Pelvic</p> <p>13 High-Grade Serous Carcinomas." It doesn't say anything</p> <p>14 about retrograde menstruation, but anyway. So it would</p> <p>15 be nice to see that reference.</p> <p>16 And then, finally, evidence of -- type 1</p> <p>17 tumors. Let's see, 95. Okay.</p> <p>18 So your question, yes, that's stated. I said</p> <p>19 that there's problems with the -- with the references.</p> <p>20 Q Right. But the studies that pertain to that</p> <p>21 topic that are referenced here, that is the proposition</p> <p>22 of those studies, right, that those three things,</p> <p>23 either the ovulation-induced surface damage or the</p> <p>24 retrograde menstruation or the introduction of foreign</p> <p>25 material through the vagina and uterine cavity, play an</p>

41 (Pages 158 to 161)

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<p style="text-align: right;">Page 162</p> <p>1 important role in ovarian carcinogenesis?</p> <p>2 A I have to remind you that the inflammation</p> <p>3 that is described there is entirely different from the</p> <p>4 inflammation induced by talc, one being -- the latter</p> <p>5 being a foreign-body giant cell reaction and this being</p> <p>6 the usual type of chronic inflammation.</p> <p>7 Q Well, you use the words "introduction of</p> <p>8 foreign material through the vagina and uterine</p> <p>9 cavity." So it may not be talc, but you're talking</p> <p>10 about a foreign material that would evoke the kind of</p> <p>11 response you're talking -- the kind of foreign-body</p> <p>12 reaction you're talking about; right?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: I'll have to say that it's in there.</p> <p>15 It's quite speculative.</p> <p>16 BY MR. DEARING:</p> <p>17 Q All right. Did you believe that to be true in</p> <p>18 2011 when you published this book?</p> <p>19 A Well, you know, again, what was in there was</p> <p>20 what we felt at the time.</p> <p>21 Q By the way, the Ness study --</p> <p>22 A Yeah.</p> <p>23 Q -- that it cites --</p> <p>24 A Yeah.</p> <p>25 Q -- is a talc study, isn't it?</p>	<p style="text-align: right;">Page 164</p> <p>1 Q So -- but you chose to cite the articles that</p> <p>2 do support that proposition, that these foreign</p> <p>3 particles can migrate through the female genital tract;</p> <p>4 right?</p> <p>5 A That's what --</p> <p>6 MS. AHERN: Objection.</p> <p>7 THE WITNESS: -- was --</p> <p>8 BY MR. DEARING:</p> <p>9 Q You don't even reference the ones that don't</p> <p>10 suggest that, do you?</p> <p>11 MS. AHERN: Objection. Form. Misstates what the</p> <p>12 actual text says and what his testimony has been.</p> <p>13 BY MR. DEARING:</p> <p>14 Q You didn't offer the -- any alternative</p> <p>15 suggestion in this short chapter on inflammation that</p> <p>16 suggests foreign materials cannot pass through the</p> <p>17 vagina and uterine cavity; right?</p> <p>18 MS. AHERN: Objection. Form. That's a section on</p> <p>19 inflammation, not migration.</p> <p>20 MR. DEARING: I'm sorry. I meant to say</p> <p>21 "inflammation."</p> <p>22 THE WITNESS: Again, the inflammation is not the</p> <p>23 type that we see with talc.</p> <p>24 BY MR. DEARING:</p> <p>25 Q Do you agree, over time, that chronic</p>
<p style="text-align: right;">Page 163</p> <p>1 A I'll have to read the article.</p> <p>2 Q You would at least agree that the introduction</p> <p>3 of foreign material through the vagina and uterine</p> <p>4 cavity was biologically plausible to you when you wrote</p> <p>5 it, right, or you wouldn't put it in your textbook?</p> <p>6 MS. AHERN: Objection. Form.</p> <p>7 THE WITNESS: Again, as I said, a textbook reflects</p> <p>8 the general consensus of what's out there.</p> <p>9 BY MR. DEARING:</p> <p>10 Q Okay.</p> <p>11 A It may not necessarily reflect my own personal</p> <p>12 opinion about it because we have to be fair and</p> <p>13 acknowledge what's out there.</p> <p>14 Q So the general consensus out there is that the</p> <p>15 introduction of foreign material through the vagina --</p> <p>16 A I didn't say the general consensus. I said --</p> <p>17 Q You did. Those were your words.</p> <p>18 A Well, I misspoke.</p> <p>19 I said that there -- those studies are out</p> <p>20 there; people believe it, and that's what was reflected</p> <p>21 in the textbook.</p> <p>22 Q There are also studies out there that --</p> <p>23 presumably, that suggest that particles can't migrate</p> <p>24 through the vagina.</p> <p>25 A That's true.</p>	<p style="text-align: right;">Page 165</p> <p>1 inflammation in gynecologic tissue can cause DNA damage</p> <p>2 and maybe cancer?</p> <p>3 MS. AHERN: Objection. Form.</p> <p>4 THE WITNESS: Could you be more specific and repeat</p> <p>5 that question.</p> <p>6 BY MR. DEARING:</p> <p>7 Q Do you believe that, over time, chronic</p> <p>8 inflammation in a particular part of gynecologic tissue</p> <p>9 can cause DNA damage and result in some type of</p> <p>10 gynecologic cancer?</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 THE WITNESS: Well, when we -- when we talk about</p> <p>13 causation and initiation of cancer, it has to be viewed</p> <p>14 at the earliest stage, at a nonlesion that, as a result</p> <p>15 of, in this case, inflammation, undergoes neoplastic</p> <p>16 change.</p> <p>17 You can see inflammation in well-formed tumors</p> <p>18 that can be associated with factors that -- cytokines</p> <p>19 or chemokines, whatever -- that participate in the</p> <p>20 progression of a tumor, but that's not initiation.</p> <p>21 That's not causation. And that's what we're really</p> <p>22 talking about.</p> <p>23 BY MR. DEARING:</p> <p>24 Q Do you believe that, with regard to peritoneal</p> <p>25 malignancies, apart from asbestos, radiation, chronic</p>

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<p style="text-align: right;">Page 166</p> <p>1 inflammation, organic chemicals, and nonasbestos 2 mineral fibers may be etiologic agents in some cases? 3 MS. AHERN: Objection. Form. 4 THE WITNESS: Are you reading this from someplace? 5 BY MR. DEARING: 6 Q I'm reading it right off my outline 7 regarding -- 8 A Yeah. But does your outline come from 9 something? 10 Q It comes from several places, but let me ask 11 you the question again if you didn't get it. 12 I'm referring to peritoneal malignancies. 13 Okay. Aside from asbestos, radiation, chronic 14 inflammation, organic chemicals, and nonasbestos 15 mineral fibers may be etiologic agents in some cases. 16 MS. AHERN: Objection. Form. 17 BY MR. DEARING: 18 Q Do you agree with that? 19 A I'd like to see where you're quoting that 20 from. 21 Q Do you agree with that statement or not? 22 A I want to see what you're quoting. I'm not 23 going to just make a comment. 24 Q You don't have an opinion about it? 25 MS. AHERN: Check the prompter because I think that</p>	<p style="text-align: right;">Page 168</p> <p>1 nonasbestos mineral fibers may be an etiologic agent of 2 some peritoneal malignancies? 3 THE WITNESS: What -- 4 MS. AHERN: Objection. Form. 5 THE WITNESS: I'm sorry. 6 MS. AHERN: Go ahead. 7 THE WITNESS: What peritoneal malignancies are you 8 talking about? 9 BY MR. DEARING: 10 Q Any peritoneal malignancies. Think of any 11 kind you want. 12 A The only peritoneal malignancy is malignant 13 mesothelioma. That's the only one there is. 14 Q Well, maybe I'm coming at this the wrong way. 15 How do you define the phrase "etiologic 16 agent"? 17 MS. AHERN: Objection. Form. 18 THE WITNESS: How do you define it? 19 BY MR. DEARING: 20 Q Well, let's find out. 21 I'm looking at Chapter 13 of your book, which 22 is written by Dr. Julie Irving and Dr. Philip Clement. 23 Did you edit this chapter? 24 A Well, I edited the textbook. 25 Q Did you edit this chapter?</p>
<p style="text-align: right;">Page 167</p> <p>1 your sentence is incomplete, which is what's confusing 2 him and me. 3 Can you go back up. 4 MR. DEARING: I can ask the question again. 5 MS. AHERN: Go back up and take a look at it in 6 writing. It might help. 7 MR. DEARING: Okay. Let me ask this question 8 again. 9 BY MR. DEARING: 10 Q I think I asked it right the first time, so 11 I'm going to say it slowly. 12 With regard to peritoneal malignancies -- 13 okay? Talking about peritoneal malignancies. Aside 14 from asbestos -- well, do you believe asbestos can 15 cause peritoneal malignancies? 16 MS. AHERN: Objection. Form. 17 Type? 18 THE WITNESS: That's controversial. It's not 19 clear. 20 BY MR. DEARING: 21 Q Do you have an opinion either way whether -- 22 A I'm not -- it may or may not. I don't think 23 that the data is sufficiently robust to make a comment 24 like that -- a definitive comment like that. 25 Q Well, do you believe chronic inflammation or</p>	<p style="text-align: right;">Page 169</p> <p>1 A I may -- you know, there was three of us, as I 2 mentioned. I'm not sure if I edited that chapter or 3 one of my other co-editors edited it. 4 Q In this chapter, under the subheading 5 "Malignant Mesothelioma" is described "clinical 6 features." And in the third paragraph of that section, 7 starting with "More than 80 percent," that's referring 8 to a study. Halfway through that paragraph, it says: 9 "Asbestos fibers, however, have 10 been identified with special techniques 11 in some of these women." 12 And they're talking about the malignant 13 mesothelioma patients. 14 "Aside from asbestos, radiation, 15 chronic inflammation, organic chemicals 16 and nonasbestos mineral fibers may be 17 etiologic agents in some cases." 18 So in that sentence, what do they mean by 19 "etiologic agents"? 20 A Good question. I'm not sure what they mean. 21 I mean, do they mean they're just present there or do 22 they cause it? Not clear to me. 23 Q If you were to use the term "etiologic agent," 24 what would it mean to you? 25 A Well, I've never -- I can't remember using it</p>

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<p style="text-align: right;">Page 170</p> <p>1 in that context. I don't use it. It's not something I</p> <p>2 use.</p> <p>3 Q Would you consider asbestos to be an etiologic</p> <p>4 agent of mesothelioma?</p> <p>5 A In some instances, it might be, yes. But in</p> <p>6 some instances it's not been demonstrated. It's been</p> <p>7 much more clearly demonstrated in the pleura than it</p> <p>8 has been in the peritoneum.</p> <p>9 Q Would you agree that the HPV virus is a</p> <p>10 etiologic agent of gynecologic cancers -- of some</p> <p>11 gynecologic cancers?</p> <p>12 MS. AHERN: Objection. Form.</p> <p>13 THE WITNESS: Of cervical cancers and vulvar and</p> <p>14 vaginal cancers, it is the causative agent.</p> <p>15 BY MR. DEARING:</p> <p>16 Q So when a scientist or pathologist like</p> <p>17 yourself uses the term "etiology," you're essentially</p> <p>18 talking about a causative agent, aren't you?</p> <p>19 MS. AHERN: Objection. Form.</p> <p>20 THE WITNESS: Well, as I just said a moment ago,</p> <p>21 some may refer to it in that way. I don't necessarily.</p> <p>22 BY MR. DEARING:</p> <p>23 Q Would you -- how would you use the term</p> <p>24 "etiology"? What does it mean to you?</p> <p>25 A Why don't we just look it up, and we can all</p>	<p style="text-align: right;">Page 172</p> <p>1 etiology means to you.</p> <p>2 Do you agree with that definition?</p> <p>3 A That definition just said that. It says</p> <p>4 "causing or contributing."</p> <p>5 Q Okay. So let's substitute that word in this</p> <p>6 phrase.</p> <p>7 Aside from asbestos, with regard to malignant</p> <p>8 mesotheliomas, do you think that nonasbestos mineral</p> <p>9 fibers may cause or contribute to cause malignant</p> <p>10 mesotheliomas in some cases?</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 THE WITNESS: Interesting they don't reference that</p> <p>13 point.</p> <p>14 BY MR. DEARING:</p> <p>15 Q I'm reading it.</p> <p>16 A Yeah, I know. I'm saying it's interesting</p> <p>17 that that point wasn't referenced with a citation.</p> <p>18 Q Oh, I got you. Okay.</p> <p>19 Well, it's clearly the opinion of the two</p> <p>20 authors of this chapter; right?</p> <p>21 A The two authors, yes.</p> <p>22 Q And this is a chapter you edited; right?</p> <p>23 MS. AHERN: Objection. Form.</p> <p>24 THE WITNESS: Like I said, I'm not sure that I</p> <p>25 edited it.</p>
<p style="text-align: right;">Page 171</p> <p>1 decide -- agree on it?</p> <p>2 Q Okay. I don't want to impose a definition on</p> <p>3 you.</p> <p>4 A Okay.</p> <p>5 Q But according to Google --</p> <p>6 A Google, huh? That's definitive.</p> <p>7 MR. ROTMAN: According to the dictionary --</p> <p>8 BY MR. DEARING:</p> <p>9 Q Well, let me ask you if you agree with this</p> <p>10 definition.</p> <p>11 Is the medical definition of etiological --</p> <p>12 and it says, "causing or contributing to the</p> <p>13 development of a disease or condition." That's what it</p> <p>14 meant to me.</p> <p>15 Is that what it means to you?</p> <p>16 A Causing or what?</p> <p>17 MS. AHERN: Contributing.</p> <p>18 THE WITNESS: Contributing.</p> <p>19 BY MR. DEARING:</p> <p>20 Q Causing or contributing to cause a medical</p> <p>21 condition.</p> <p>22 A Causing or contributing?</p> <p>23 Q Yes.</p> <p>24 A Well, again, contributing isn't cause.</p> <p>25 Q I didn't ask you that. I'm asking you what</p>	<p style="text-align: right;">Page 173</p> <p>1 BY MR. DEARING:</p> <p>2 Q Okay. I'm sorry. I missed that.</p> <p>3 So when you talk about cause or contributing</p> <p>4 to cause, what's the distinction between those two</p> <p>5 ideas, in your mind?</p> <p>6 MS. AHERN: Objection. Form.</p> <p>7 THE WITNESS: "Causation," to me, means that it's</p> <p>8 an initiating factor in setting the process off.</p> <p>9 "Contributing," to me, means that possibly the process</p> <p>10 is in place and it contributes to its further</p> <p>11 progression.</p> <p>12 BY MR. DEARING:</p> <p>13 Q So contributing to cause, in your mind, is</p> <p>14 something that assists the progression of something</p> <p>15 that already exists?</p> <p>16 MS. AHERN: Objection.</p> <p>17 BY MR. DEARING:</p> <p>18 Q Is that what you're saying?</p> <p>19 A I didn't say "contributing." I separated</p> <p>20 "cause" and "contribution."</p> <p>21 Q Okay. I want to talk about "cause" and</p> <p>22 "contributing to cause."</p> <p>23 Is there any distinction between those two</p> <p>24 terms?</p> <p>25 MS. AHERN: Objection. Form. Asked and answered.</p>

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<p>1 THE WITNESS: Can I see that book again, please. I 2 still can't read that. 3 BY MR. DEARING: 4 Q I'm not talking about that section now, but... 5 A Oh, you're not? 6 Q No. I'm just generally wanting to get your 7 opinion on -- 8 A Oh, I see. 9 Q -- "causing" or "contributing to cause." 10 A Oh, I thought you were referring to that 11 sentence. Oh, so we're not? 12 Q No. That sentence uses the word "etiologic 13 agent." 14 A Uh-huh. 15 MS. AHERN: Whatever you meant by that. 16 BY MR. DEARING: 17 Q So in your mind, is there any distinction 18 between contributing to cause something and causing 19 something? 20 MS. AHERN: Objection. Form. Asked and answered 21 very clearly just two minutes ago. 22 THE WITNESS: Causation is one issue. Contributing 23 is another. They're not the same. 24 BY MR. DEARING: 25 Q I don't mean contributing. I mean</p>	<p>1 MS. AHERN: Objection. Form. 2 THE WITNESS: Well, I think you've got it twisted 3 around anyway. 4 BY MR. DEARING: 5 Q Okay. Well, correct me. 6 A It starts with initiation, and proliferation 7 may be the next step. And then another step may, after 8 that, be promotion and then progression. 9 Q So when you use the term "cause" or 10 "contribute to cause," are you referring to the 11 initiation phase of that process or the promotion phase 12 or both? 13 MS. AHERN: Objection. Form. He's never said that 14 he uses those terms. 15 THE WITNESS: I don't use "contributing to cause" 16 how you understand it. I'm just saying "causation." 17 That, to me, is initiation, period. 18 BY MR. DEARING: 19 Q If gynecologic cancers are multifactorial and 20 they may have more than one cause, do you agree that 21 there may be more than one thing contributing to cause 22 them? 23 MS. AHERN: Objection. Form. 24 THE WITNESS: There may be multiple causes for a 25 neoplasm to begin, to get an issue, maybe multiple</p>
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<p>1 contributing to cause. Okay? You're only giving me 2 half of the phrase. 3 MS. AHERN: Objection. 4 BY MR. DEARING: 5 Q Is there a distinction between contributing to 6 a disease and -- I'm sorry. 7 Is there a distinction between contributing to 8 cause a disease and causing a disease? Is there any 9 distinction there? 10 A To me, yes. 11 MS. AHERN: Objection. Form. 12 THE WITNESS: To me, causation is much stronger. 13 Contributing may be involved; may not be. It's much 14 more wishy-washy. 15 BY MR. DEARING: 16 Q Do you agree that almost all gynecologic 17 cancers are multifactorial in that they may have more 18 than one cause? 19 A Yes, that's probably true. 20 Q Do you believe in the cancer progression model 21 of initiation, promotion, proliferation? 22 MS. AHERN: Objection. Form. 23 BY MR. DEARING: 24 Q Do you agree that that's a reasonable cancer 25 model?</p>	<p>1 causes. 2 BY MR. DEARING: 3 Q So for the last time, breaking down that 4 sentence again, coming back full circle now, do you 5 agree that asbestos can be an etiologic agent of some 6 cancers -- 7 MS. AHERN: Objection. Form. 8 BY MR. DEARING: 9 Q -- of some mesotheliomas? 10 MS. AHERN: Objection. Form. 11 THE WITNESS: Yes, it may be. 12 BY MR. DEARING: 13 Q And do you believe chronic inflammation can be 14 a cause of malignant mesotheliomas? 15 MS. AHERN: Objection. Form. 16 THE WITNESS: Again, I'd like to see the data for 17 that. 18 BY MR. DEARING: 19 Q So you have no opinion on that without looking 20 at a -- 21 A Yeah, I don't -- I don't agree with that. 22 Q Okay. And do you believe that nonasbestos 23 mineral fibers can be a etiologic agent or cause of 24 some malignant mesotheliomas? 25 MS. AHERN: Objection. Form.</p>

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<p>1 THE WITNESS: Same thing, I don't -- I'd like to</p> <p>2 see the data that they're alluding to.</p> <p>3 BY MR. DEARING:</p> <p>4 Q Well, you would at least agree with me that</p> <p>5 the two authors of that chapter believe that, wouldn't</p> <p>6 you?</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 THE WITNESS: The two authors appear to believe</p> <p>9 that.</p> <p>10 MR. DEARING: Mind if we take a break?</p> <p>11 MS. AHERN: Sure.</p> <p>12 VIDEO OPERATOR BROWN: Time is now 2:15. Going off</p> <p>13 the record.</p> <p>14 (Recess taken.)</p> <p>15 VIDEO OPERATOR BROWN: The time is now 2:34. Back</p> <p>16 on the record.</p> <p>17 BY MR. DEARING:</p> <p>18 Q Doctor, you said earlier that you expect that</p> <p>19 talc exposure would elicit a foreign-body giant cell</p> <p>20 granulomatous response within the body; right?</p> <p>21 A That's correct.</p> <p>22 Q Would asbestos fibers invoke that same type of</p> <p>23 response?</p> <p>24 A I really am not an expert on asbestos --</p> <p>25 asbestosis, but I'm not aware of it doing foreign</p>	<p>1 don't know.</p> <p>2 Q Would you expect the stromal tissue to react</p> <p>3 the same way the epithelial tissue would react in</p> <p>4 humans?</p> <p>5 A Well, they're different. So I don't know how</p> <p>6 it would react.</p> <p>7 Q If talc can cause p53 mutations in tubal</p> <p>8 cells, would you expect that it could also cause</p> <p>9 cancer?</p> <p>10 MS. AHERN: Objection. Form.</p> <p>11 THE WITNESS: Are you speculating that, or has</p> <p>12 it -- I haven't seen data to that effect.</p> <p>13 BY MR. DEARING:</p> <p>14 Q Right. I'm asking -- I'm asking</p> <p>15 hypothetically right now. If talc could evoke a p53</p> <p>16 mutation in tubal cells, do you think that talc could</p> <p>17 cause cancer in tubal cells?</p> <p>18 A Not necessarily.</p> <p>19 Q Same with ovarian cells?</p> <p>20 MS. AHERN: Objection. Form.</p> <p>21 BY MR. DEARING:</p> <p>22 Q If talc could evoke a p53 mutation in ovarian</p> <p>23 cells, do you think it could cause cancer?</p> <p>24 MS. AHERN: Objection. Form.</p> <p>25 THE WITNESS: Not necessarily.</p>
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<p>1 body -- I really -- best thing not to get into that</p> <p>2 because it's not something I deal with.</p> <p>3 Q Have you ever looked at pulmonary tissue of</p> <p>4 someone suffering from mesothelioma?</p> <p>5 A No, I haven't.</p> <p>6 Q So you've never observed asbestos in tissue at</p> <p>7 all?</p> <p>8 A That's right.</p> <p>9 Q Well, can you think of any reason why asbestos</p> <p>10 wouldn't evoke the same kind of foreign-body reaction</p> <p>11 that talc would?</p> <p>12 MS. AHERN: Objection. Form.</p> <p>13 THE WITNESS: Different agents do different things.</p> <p>14 BY MR. DEARING:</p> <p>15 Q Do you think that stroma contributes to the</p> <p>16 development of ovarian cancer or tubal cancers?</p> <p>17 MS. AHERN: Objection. Form.</p> <p>18 BY MR. DEARING:</p> <p>19 Q Or STIC?</p> <p>20 A It might.</p> <p>21 Q How might the stroma contribute to the</p> <p>22 development of tubal cancer or ovarian cancer?</p> <p>23 A Well, in many cancers, there's an interaction</p> <p>24 between the epithelium and the stroma. So it's</p> <p>25 certainly possible. I wouldn't rule it out, but I</p>	<p>1 BY MR. DEARING:</p> <p>2 Q You answered both of those questions with "not</p> <p>3 necessarily."</p> <p>4 A Correct.</p> <p>5 Q Does that mean you don't know, or does that</p> <p>6 mean you don't think so, or it could?</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 THE WITNESS: Well --</p> <p>9 BY MR. DEARING:</p> <p>10 Q Let me ask the question again.</p> <p>11 A P53 signatures have p53 mutations. They don't</p> <p>12 all go to STIC. STIC has p53 mutations. They don't</p> <p>13 all go on to invasive cancers. Just having a p53</p> <p>14 mutation doesn't mean it's inevitably going to become</p> <p>15 cancer.</p> <p>16 Q Right. I'm not saying it necessary would</p> <p>17 become cancer, but if talc can evoke a p53 response in</p> <p>18 tubal cells or ovarian cells, would that be evidence to</p> <p>19 you that talc could cause cancer?</p> <p>20 MS. AHERN: Objection. Form.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MR. DEARING:</p> <p>23 Q Do you agree that one example of inflammation</p> <p>24 associated with foreign materials includes macrophages?</p> <p>25 MS. AHERN: Objection. Form.</p>

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<p style="text-align: right;">Page 182</p> <p>1 THE WITNESS: Well, macrophages in tissue become</p> <p>2 histiocytes, and that's part of a foreign-body giant</p> <p>3 cell granuloma.</p> <p>4 BY MR. DEARING:</p> <p>5 Q A minute ago, when I asked you about talc</p> <p>6 eliciting a p53 response and I asked you whether you</p> <p>7 thought that would be evidence that talc could cause</p> <p>8 cancer in those cells, why did you say no?</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: Because, as I said, having a p53</p> <p>11 mutation, in and of itself, does not inevitably mean a</p> <p>12 tissue is going to become malignant.</p> <p>13 BY MR. DEARING:</p> <p>14 Q Is it suggestive that a tissue might become</p> <p>15 malignant?</p> <p>16 MS. AHERN: Objection. Form.</p> <p>17 THE WITNESS: Not necessarily.</p> <p>18 BY MR. DEARING:</p> <p>19 Q What does that mean, "not necessarily"?</p> <p>20 A As I said, you can have a p53 mutation and</p> <p>21 have a perfectly benign lesion.</p> <p>22 Q You said a while ago that one reason you don't</p> <p>23 believe talc causes ovarian cancer is because you</p> <p>24 haven't seen talc elicit a foreign-body granulomatous</p> <p>25 reaction in gynecologic tissue. Right? Isn't that</p>	<p style="text-align: right;">Page 184</p> <p>1 BY MR. DEARING:</p> <p>2 Q In your textbook in Chapter 12, written by</p> <p>3 Dr. Irving and Dr. Clement, entitled "Nonneoplastic</p> <p>4 Lesions of the Ovary," the subtitle "foreign-body</p> <p>5 Granulomas," the statement is:</p> <p>6 "A variety of foreign materials may</p> <p>7 evoke a granulomatous reaction on the</p> <p>8 ovarian and extraovarian peritoneal</p> <p>9 surfaces, potentially mimicking</p> <p>10 malignant tumor at operation."</p> <p>11 So the authors here are a bit equivocal about</p> <p>12 whether foreign materials will evoke a granulomatous</p> <p>13 reaction; right? They're saying -- they use the word</p> <p>14 "may" because it doesn't always happen; right?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: "Variety of foreign materials may</p> <p>17 evoke granulomatous reaction on" -- "may."</p> <p>18 BY MR. DEARING:</p> <p>19 Q Right.</p> <p>20 A That's suggestive, but not definitive at all.</p> <p>21 Q So is it fair to say that sometimes they do</p> <p>22 and sometimes they don't evoke a granulomatous</p> <p>23 reaction?</p> <p>24 MS. AHERN: Objection. Form.</p> <p>25 THE WITNESS: I don't even think they say that.</p>
<p style="text-align: right;">Page 183</p> <p>1 correct?</p> <p>2 A No, that's not the reason I don't think it</p> <p>3 causes cancer.</p> <p>4 Q Tell me why you think talc doesn't cause --</p> <p>5 can't cause cancer.</p> <p>6 A Because there's been absolutely no evidence in</p> <p>7 the literature that it does.</p> <p>8 Q Would you agree with me that foreign materials</p> <p>9 don't always evoke granulomatous reactions in ovarian</p> <p>10 tissue?</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 BY MR. DEARING:</p> <p>13 Q Or extraperitoneal tissue?</p> <p>14 MS. AHERN: Objection. Form.</p> <p>15 THE WITNESS: I haven't evaluated other foreign</p> <p>16 bodies or agents.</p> <p>17 BY MR. DEARING:</p> <p>18 Q So are you agreeing or disagreeing or do you</p> <p>19 not know that foreign materials don't always evoke</p> <p>20 granulomatous reaction on ovarian and extraovarian</p> <p>21 peritoneal services?</p> <p>22 MS. AHERN: Objection. Form. Asked and answered.</p> <p>23 THE WITNESS: I'd like to see the data, and then I</p> <p>24 could make a decision. I haven't seen it.</p> <p>25 ///</p>	<p style="text-align: right;">Page 185</p> <p>1 They just say it might.</p> <p>2 BY MR. DEARING:</p> <p>3 Q Is it equally true that it might not?</p> <p>4 MS. AHERN: Objection. Form.</p> <p>5 THE WITNESS: Well, may not.</p> <p>6 BY MR. DEARING:</p> <p>7 Q Do you agree that whether the body reacts to a</p> <p>8 foreign particle by macrophage or granuloma depends in</p> <p>9 part on the body's interpretation of that particle and</p> <p>10 its size?</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 THE WITNESS: I don't know anything about the size</p> <p>13 business. Size.</p> <p>14 BY MR. DEARING:</p> <p>15 Q So you are saying that the size of a foreign</p> <p>16 material is not -- in no way influences whether the</p> <p>17 body tries to sequester that particle with macrophages</p> <p>18 versus giant cell granulomas?</p> <p>19 MS. AHERN: Object to the form.</p> <p>20 THE WITNESS: It may. I mean, different sizes of</p> <p>21 talc may have -- may induce the same thing. I'm not</p> <p>22 sure the size is that relevant.</p> <p>23 BY MR. DEARING:</p> <p>24 Q If a macrophage could engulf a talc particle,</p> <p>25 you wouldn't expect to see a giant cell granulomatous</p>

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<p>1 response, would you?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 BY MR. DEARING:</p> <p>4 Q Because the macrophage handles it?</p> <p>5 MS. AHERN: Same objections.</p> <p>6 THE WITNESS: Well, generally speaking, from what</p> <p>7 I've read about it, these particles are too large for a</p> <p>8 single macrophage to envelope it, which results in</p> <p>9 another macrophage coming along with it and membranes</p> <p>10 fuse and they engulf the particle.</p> <p>11 BY MR. DEARING:</p> <p>12 Q Are you referring to talc particles?</p> <p>13 A Yes.</p> <p>14 Q What's your basis for concluding that</p> <p>15 macrophages cannot engulf a talc particle?</p> <p>16 MS. AHERN: Objection. Form.</p> <p>17 THE WITNESS: It's been -- I believe it's been</p> <p>18 stated -- shown in the literature that the particle</p> <p>19 might be too large. It's going -- it's going to elicit</p> <p>20 histiocytic reaction for sure.</p> <p>21 BY MR. DEARING:</p> <p>22 Q Well, do you agree with me that macrophages</p> <p>23 may respond to very small particles whereas granulomas</p> <p>24 may respond to larger particles or larger clusters of</p> <p>25 particles?</p>	<p>1 BY MR. DEARING:</p> <p>2 Q Why do you think he knows nothing about</p> <p>3 gynecologic pathology if you haven't read his stuff?</p> <p>4 A Because he's a pulmonary pathologist.</p> <p>5 Pulmonary pathologists don't look at gynecologic</p> <p>6 specimens.</p> <p>7 Q Well, he's also a general pathologist, a</p> <p>8 surgical pathologist, and he has been a -- well --</p> <p>9 A Well, I'm not impugning his -- I'm just saying</p> <p>10 he's not a gynecologic pathologist. Let's put it that</p> <p>11 way.</p> <p>12 Q Okay. Are you aware that the publications</p> <p>13 he's authored state that the talc particles he</p> <p>14 typically finds in ovarian tissue, in pelvic lymph</p> <p>15 nodes is in the 5-micron range, maybe 1 to 10 microns,</p> <p>16 but average around 5 microns?</p> <p>17 MS. AHERN: Objection. Form. Are you talking</p> <p>18 about publications or litigation reports?</p> <p>19 MR. DEARING: Publications.</p> <p>20 THE WITNESS: I don't remember reading about the</p> <p>21 size of the particles.</p> <p>22 BY MR. DEARING:</p> <p>23 Q If a talc particle found its way into ovarian</p> <p>24 tissue and it was about 5 to 10 microns in size, you</p> <p>25 would expect that to be handled by a macrophage,</p>
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<p>1 MS. AHERN: Objection.</p> <p>2 THE WITNESS: I haven't seen data that divides it</p> <p>3 up that way.</p> <p>4 BY MR. DEARING:</p> <p>5 Q You remember who Dr. John Godleski is, don't</p> <p>6 you?</p> <p>7 A I know the name. I know he's involved in this</p> <p>8 litigation.</p> <p>9 Q Right. He testified in the same trial you</p> <p>10 did.</p> <p>11 A Hmm.</p> <p>12 Q And he is a pathologist and a microscopist at</p> <p>13 Harvard. Well, he's retired, but he spent his career</p> <p>14 at Harvard.</p> <p>15 Have you read any of his publications?</p> <p>16 A No.</p> <p>17 Q Have you read any of his opinions about talc</p> <p>18 in tissue, particularly in the size of particles he</p> <p>19 typically finds in tissue?</p> <p>20 MS. AHERN: Objection. Form.</p> <p>21 THE WITNESS: He's a pulmonary pathologist, as I</p> <p>22 recall, knows nothing about gynecologic pathology.</p> <p>23 Having said that, I don't recall specifically reading</p> <p>24 his summation of his opinions regarding the size of</p> <p>25 talc particles.</p>	<p>1 wouldn't you, not a giant cell?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: You're stating a big "if," namely</p> <p>4 that it gets into ovarian tissue, which I think is --</p> <p>5 BY MR. DEARING:</p> <p>6 Q I'm going to show you pictures of it in</p> <p>7 ovarian tissue in just a minute.</p> <p>8 A I don't care if you show pictures of it. I</p> <p>9 don't think it means it's even there. Biologically, it</p> <p>10 can be a complete contaminant.</p> <p>11 Q So are you saying there's no possible way talc</p> <p>12 can get into any ovarian tissue?</p> <p>13 A Well, it's been described. Let's put it that</p> <p>14 way. It has been described.</p> <p>15 Q What does that mean, "it's been described"?</p> <p>16 I've been describing it all day.</p> <p>17 A It's been described that talc is present in</p> <p>18 ovarian tissue in users or nonusers, as I remember from</p> <p>19 the Heller article.</p> <p>20 Q We can talk about Heller if you like, but the</p> <p>21 fact of the matter is if a talc particle gets to</p> <p>22 ovarian tissue and it's between 1 and 10 microns in</p> <p>23 size, wouldn't you expect that would attract a</p> <p>24 macrophage, not a giant cell?</p> <p>25 MS. AHERN: Objection. Form.</p>

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<p>1 THE WITNESS: I don't -- as I said, I haven't read</p> <p>2 anything about -- specifically about the size of</p> <p>3 particles and whether it's engulfed by a single</p> <p>4 macrophage or by a giant cell.</p> <p>5 BY MR. DEARING:</p> <p>6 Q So if you don't know whether a macrophage</p> <p>7 would respond to it or a giant cell respond to it, how</p> <p>8 can you say that talc can't cause cancer because it</p> <p>9 would evoke a giant cell granulomatous response?</p> <p>10 MS. AHERN: Objection. That's not at all what he</p> <p>11 said.</p> <p>12 THE WITNESS: We have to get back to precursor</p> <p>13 lesions and finding evidence of carcinomatous stimulus</p> <p>14 in those cells, and those are fallopian tube</p> <p>15 epithelium, not ovarian cells.</p> <p>16 (The document referenced below was</p> <p>17 marked Deposition Exhibit 6 for</p> <p>18 identification and is appended hereto.)</p> <p>19 BY MR. DEARING:</p> <p>20 Q I'm handing you a study by Dr. Sandra McDonald</p> <p>21 and others, including Dr. Godleski, entitled</p> <p>22 "Correlative Polarizing Light and Scanning Electron</p> <p>23 Microscopy for the Assessment of Talc in Pelvic Region</p> <p>24 Lymph Nodes."</p> <p>25 Have you ever seen that study? It's fairly</p>	<p>1 Do you have any reason to disagree with that?</p> <p>2 MS. AHERN: Object to the form.</p> <p>3 THE WITNESS: I want to go back and sort of read</p> <p>4 this Materials and Methods a little better.</p> <p>5 BY MR. DEARING:</p> <p>6 Q If you want to take time and read the whole</p> <p>7 study --</p> <p>8 A No, I'm just reading --</p> <p>9 Q -- we can go off the record and you can do</p> <p>10 that.</p> <p>11 A I'm reading materials and methods. I'm up to</p> <p>12 your paragraph.</p> <p>13 Q Keep in mind the question is are these -- one,</p> <p>14 two, three, four, five, six, seven, eight -- eight</p> <p>15 scientists reporting finding talc particles in the 1-</p> <p>16 to 10-micron range in pelvic lymph nodes and</p> <p>17 gynecologic tissue?</p> <p>18 A Okay. So they're finding talc particles in</p> <p>19 lymph nodes, and do they say ovarian tissues here?</p> <p>20 Probably. It is mainly lymph nodes, it sounds like.</p> <p>21 They're focused on the lymph nodes.</p> <p>22 Q They are. You're right.</p> <p>23 A So they find it in lymph nodes, yes. What's</p> <p>24 your question?</p> <p>25 Q The size of the particles they're finding in</p>
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<p>1 new. I don't believe it's referenced in your</p> <p>2 materials.</p> <p>3 A Yeah, I don't think I've seen this.</p> <p>4 MS. AHERN: Take your time if you want to read it.</p> <p>5 THE WITNESS: What's your question?</p> <p>6 BY MR. DEARING:</p> <p>7 Q My question is, over on page 3 at the top,</p> <p>8 Dr. McDonald describes the talc being visualized using</p> <p>9 polarizing microscopy, and she says:</p> <p>10 "Talc is readily visible under</p> <p>11 polarizing light microscopy where it may</p> <p>12 be found as both plates and fibrous form</p> <p>13 and where the particles or fibers are</p> <p>14 brightly birefringent and often in the</p> <p>15 size range of 1 to 10 microns."</p> <p>16 MS. AHERN: I'm sorry. Do you have a copy of that?</p> <p>17 MR. DEARING: I do.</p> <p>18 MS. AHERN: Thank you. Page 3.</p> <p>19 MR. DEARING: Page 3.</p> <p>20 BY MR. DEARING:</p> <p>21 Q What she's describing here are talc particles</p> <p>22 that she's seen in ovarian tissue and pelvic lymph</p> <p>23 nodes. And she's saying that the size range that she</p> <p>24 sees and that Dr. Godleski has seen repeatedly is in</p> <p>25 the 1- to 10-micron range.</p>	<p>1 pelvic lymph nodes are 1 to 10 microns, right, as they</p> <p>2 report it?</p> <p>3 A Yes.</p> <p>4 Q And if you would turn over to page 9,</p> <p>5 Figure 3, there's a photomicrograph.</p> <p>6 A Hold on one sec.</p> <p>7 MS. AHERN: Take your time. If you need to go off</p> <p>8 the record, we can.</p> <p>9 THE WITNESS: Okay. What were you saying now? I'm</p> <p>10 sorry.</p> <p>11 BY MR. DEARING:</p> <p>12 Q Okay. Page 9. There are three</p> <p>13 photomicrographs. And I just want to talk about one of</p> <p>14 them.</p> <p>15 Do you see the paragraph that starts</p> <p>16 "Figure 3"?</p> <p>17 A I'm on Figure 4.</p> <p>18 Q Page 9.</p> <p>19 A I see page --</p> <p>20 Q Page 9.</p> <p>21 A Page 9. Yes. Okay.</p> <p>22 Q And the paragraph that starts with the word</p> <p>23 "Figure 3."</p> <p>24 A Yes.</p> <p>25 Q Okay. Figure 3 -- and that's the table above,</p>

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<p style="text-align: right;">Page 194</p> <p>1 but Figure 3 shows "correlative polarizing light 2 microscopy, SEM, and EDX from Case 18 in the digestate 3 study." 4 Below is some photomicrographs. 5 "Going clockwise from upper left, 6 Panel A shows polarized light microscopy 7 showing numerous birefringent particles, 8 general size range 1 to 5 microns within 9 the macrophages of the left external 10 iliac lymph node." 11 Do you see that. 12 A In Figure A? 13 Q Do you see where I'm reading from? 14 A "Going clockwise from upper left Panel A shows 15 polarized light microscopy, H&E" -- 16 A is H&E? It sure doesn't look like an H&E. 17 "-- shows" -- 18 THE REPORTER: Doctor, if you're reading, I'm not 19 picking it up. 20 THE WITNESS: I'm sorry. 21 Figure 3 shows correlative polarizing light 22 microscopy, SEM, and EDX from Case 18 in the digestate 23 study (Table 1). Going clockwise from upper left, 24 Panel A shows polarized light microscopy, H&E, showing 25 numerous birefringent particles, general size from 1 to</p>	<p style="text-align: right;">Page 196</p> <p>1 lymph node." 2 So, again, there's another photomicrograph of 3 birefringent particles being sequestered by 4 macrophages; right? 5 MS. AHERN: Objection. Form. 6 BY MR. DEARING: 7 Q At least according to those six, seven 8 authors? 9 A So what -- I need -- could you read that -- I 10 couldn't follow. I was looking at the pictures. What 11 were you reading exactly? 12 Q The caption underneath the photomicrograph. 13 A Oh. The caption -- 14 MS. AHERN: Just read it to yourself so she doesn't 15 have to write it down. 16 BY MR. DEARING: 17 Q You can stop after A because that's all I'm 18 talking about. 19 A Okay. 20 Q So do you agree with me that that's another 21 photomicrograph showing birefringent particles being 22 engulfed by macrophages? 23 A Well, honestly, I can't tell from this 24 black-and-white photo what they are. I see polarized 25 light and I -- I see polarized, you know, particles,</p>
<p style="text-align: right;">Page 195</p> <p>1 5 micrograms -- microns within the macrophages of the 2 left external iliac lymph node. 3 BY MR. DEARING: 4 Q Right. That's what I want to point out to 5 you. 6 A Yeah. 7 Q Okay. Do you agree that what the authors are 8 saying there is that the birefringent particles 9 observed in the 1- to 5-micron range are being 10 sequestered by macrophages? Right? 11 A Okay. 12 MS. AHERN: Objection. Form. 13 BY MR. DEARING: 14 Q Do you agree with that? 15 A Yeah. 16 Q If you turn the page, there's another 17 photomicrograph on page 11. And, again, they note in 18 the caption underneath it "Numerous birefringent 19 particles under polarized light microscopy" -- 20 MS. AHERN: Where are you? I'm sorry. 21 MR. DEARING: Page 11. 22 BY MR. DEARING: 23 Q "Numerous birefringent particles 24 under polarized light microscopy within 25 the macrophages of a left external iliac</p>	<p style="text-align: right;">Page 197</p> <p>1 but I don't see what they are. 2 Q Do you agree that the eight authors are 3 reporting those to be -- 4 A Well, maybe they are. But they reported that. 5 I don't see it. I can't convince myself on this 6 picture that -- 7 Q I'm not asking you to. I'm asking you to 8 agree with me or not that the eight authors of this 9 paper identify these birefringent particles in this 10 photomicrograph as being engulfed by macrophages. 11 MS. AHERN: Objection. Form. 12 THE WITNESS: Maybe that's what they say, but they 13 don't -- haven't convinced me in the picture. If I 14 were a reviewer, I wouldn't accept that at all. 15 BY MR. DEARING: 16 Q Well, of course not. You would want to see 17 the photomicrograph that they looked at. 18 A Yeah. I mean, they're showing this picture, 19 but it's a gemish, black and white, some little white 20 particles. I can't tell if it's a macrophage or not. 21 Q If you will turn next to the discussion 22 section. That's the next page. 23 A Okay. 24 Q The scientists write: 25 "The accurate identification of</p>

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<p>1 talc in pelvic tissues is important</p> <p>2 because it documents exposure by</p> <p>3 demonstrating the presence of talc in</p> <p>4 these tissues and provides evidence and</p> <p>5 support of the role of talc in the</p> <p>6 epidemiological association with ovarian</p> <p>7 cancer in case-control studies."</p> <p>8 A Yes.</p> <p>9 Q Do you agree that the evidence of talc found</p> <p>10 within the tissue being engulfed by macrophages is</p> <p>11 evidence of talc exposure?</p> <p>12 MS. AHERN: Objection. Form. He just said he</p> <p>13 couldn't tell they were being engulfed by macrophages.</p> <p>14 BY MR. DEARING:</p> <p>15 Q Well, if you presume those talc particles are</p> <p>16 being engulfed by macrophages and that these six</p> <p>17 authors are correct in what they observed --</p> <p>18 A That doesn't --</p> <p>19 Q -- do you believe that that's evidence of</p> <p>20 exposure?</p> <p>21 A It doesn't convince me. I'm not convinced by</p> <p>22 these photos, frankly.</p> <p>23 Q I'm not asking you to be convinced by the</p> <p>24 photos.</p> <p>25 A Well, there were six authors. Doesn't matter.</p>	<p>1 BY MR. DEARING:</p> <p>2 Q Okay. Well, presume for me, if you would,</p> <p>3 that they're right, that they are looking at talc</p> <p>4 particles in the 1- to 5-micron range being engulfed by</p> <p>5 macrophages.</p> <p>6 Do you agree with me, if they're correct, that</p> <p>7 that's evidence of exposure to talc?</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: You know, as -- this -- well, if</p> <p>10 they've been exposed to talc, by seeing evidence of it</p> <p>11 in the tissue, could essentially also mean superimposed</p> <p>12 particles on top of the tissue that could be there as a</p> <p>13 contaminant. So I'm not convinced.</p> <p>14 BY MR. DEARING:</p> <p>15 Q Okay. How would it have gotten there as a</p> <p>16 contaminant?</p> <p>17 A Because talc is all over the place.</p> <p>18 Q So you're talking about after it's removed</p> <p>19 from the body?</p> <p>20 A Yeah.</p> <p>21 Q Okay.</p> <p>22 A When you look at a pathology laboratory, the</p> <p>23 laboratory counters, the paper towels, the ceramics --</p> <p>24 Q Right.</p> <p>25 A -- it all contains talc.</p>
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<p>1 They can be all wrong for all I know.</p> <p>2 Q Do you think they're all wrong?</p> <p>3 A I have -- I can't see it, and that's what</p> <p>4 you're asking me. Do I see it and believe it? I don't</p> <p>5 believe it.</p> <p>6 Q One of these authors, by the way, is William</p> <p>7 Welch that we talked about earlier.</p> <p>8 A We talked about him earlier.</p> <p>9 Q Do you think he's wrong?</p> <p>10 A Well, I don't even know what Bill's role was</p> <p>11 in this. He may have just said, "Oh, yeah. It was the</p> <p>12 lymph nodes with something in them."</p> <p>13 Q Is it your testimony today that these six</p> <p>14 authors looked at these photomicrographs and got it</p> <p>15 wrong --</p> <p>16 MS. AHERN: Objection.</p> <p>17 BY MR. DEARING:</p> <p>18 Q -- and then published it in a peer-reviewed</p> <p>19 journal?</p> <p>20 MS. AHERN: Objection. Form. That's not his</p> <p>21 testimony. He's already given you an answer to this</p> <p>22 question.</p> <p>23 THE WITNESS: They obviously believe it. I -- if</p> <p>24 you were -- in -- my opinion is they wrote it, but I</p> <p>25 don't see it.</p>	<p>1 Q Of course.</p> <p>2 A It could easily be introduced into the</p> <p>3 specimen.</p> <p>4 Q Sure. And is a macrophage going to engulf a</p> <p>5 talc particle that's been taken out of the body and is</p> <p>6 sitting on a lab or a paper towel?</p> <p>7 A As I said --</p> <p>8 MS. AHERN: Objection.</p> <p>9 THE WITNESS: -- I can't distinguish that this is</p> <p>10 in a macrophage. It may be talc particles sitting on</p> <p>11 top of the macrophage.</p> <p>12 BY MR. DEARING:</p> <p>13 Q Several times in response to my questions,</p> <p>14 you've answered with "I'm not convinced."</p> <p>15 Is that the burden that you're applying to</p> <p>16 your opinions in this case is that if you're not</p> <p>17 convinced, then it's not so?</p> <p>18 MS. AHERN: Objection. Form.</p> <p>19 THE WITNESS: I can only say what I believe in</p> <p>20 based on the scientific evidence. In this case, I'm</p> <p>21 not convinced that the talc particles or the</p> <p>22 birefringent particles that are being shown in these</p> <p>23 figures are actually within the tissue as a result of</p> <p>24 them actually being engulfed or whether they are there</p> <p>25 as a possible -- as a contaminant.</p>

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<p>1 BY MR. DEARING:</p> <p>2 Q Is that the standard that you're using for</p> <p>3 causation, that you're not convinced?</p> <p>4 MS. AHERN: Objection. Form. Misstates and</p> <p>5 mischaracterizes his testimony.</p> <p>6 MR. DEARING: I don't know what his testimony is.</p> <p>7 I'm asking him.</p> <p>8 THE WITNESS: I told you earlier what I expected to</p> <p>9 see in causation. And that was a fulfillment of all</p> <p>10 those criteria that we discussed at multiple times.</p> <p>11 BY MR. DEARING:</p> <p>12 Q Right. But the fulfillment of that criteria</p> <p>13 has to rise to a level of a preponderance of the</p> <p>14 evidence in court, and I want to know what standard</p> <p>15 you're applying.</p> <p>16 Is it until Dr. Kurman is convinced, or is it</p> <p>17 a preponderance of the evidence or something else?</p> <p>18 MS. AHERN: Objection. Form.</p> <p>19 THE WITNESS: A preponderance of the evidence, of</p> <p>20 course.</p> <p>21 BY MR. DEARING:</p> <p>22 Q Okay. So are you suggesting that applying the</p> <p>23 preponderance of the evidence to this study, that the</p> <p>24 preponderance of the evidence suggests these six</p> <p>25 authors got this wrong, that they're not observing talc</p>	<p>1 saying. I wondered what led them to do polarization of</p> <p>2 these lymph nodes if they saw nothing. You know, we</p> <p>3 routinely don't polarize tissues in surgical pathology,</p> <p>4 as even your expert acknowledged.</p> <p>5 So what led them to do -- to do polarization</p> <p>6 if there was no suspicion based on the H&E slides?</p> <p>7 BY MR. DEARING:</p> <p>8 Q Right. Well, I'm not really asking you what</p> <p>9 you're wondering about. I'm just asking you if you saw</p> <p>10 any statements in there -- and I know you haven't read</p> <p>11 it word for word, but you spent about 15 minutes</p> <p>12 skimming over it.</p> <p>13 No mention of granulomatous giant cell</p> <p>14 response to talc particles, is there?</p> <p>15 MS. AHERN: Objection. Form. He hasn't reviewed</p> <p>16 the entire article.</p> <p>17 THE WITNESS: From what I read in this 15 minutes,</p> <p>18 I haven't seen that.</p> <p>19 BY MR. DEARING:</p> <p>20 Q Okay. I looked through your CV and tried to</p> <p>21 do a quick calculation. It looks like you've received</p> <p>22 somewhere in the neighborhood of \$6 million in funding</p> <p>23 from pharmaceutical companies for research in your</p> <p>24 career.</p> <p>25 Does that sound about accurate to you?</p>
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<p>1 particles being engulfed by macrophages?</p> <p>2 MS. AHERN: Objection. Form. Argumentative.</p> <p>3 Misstates his testimony. He's already answered this</p> <p>4 question. This is the first time he's looking at this</p> <p>5 study. He hasn't reviewed the entire thing.</p> <p>6 MR. DEARING: He wasn't asked about preponderance</p> <p>7 of the evidence.</p> <p>8 MS. AHERN: He's told you what his basic opinion is</p> <p>9 from looking at the study in the last few minutes.</p> <p>10 That's his opinion.</p> <p>11 THE WITNESS: I'm even wondering how they just</p> <p>12 decide to look at this particular lymph node without</p> <p>13 mentioning that they saw some kind of funny reaction</p> <p>14 with the H&E slides that then led them to do</p> <p>15 polarization. I didn't -- I can't find that.</p> <p>16 BY MR. DEARING:</p> <p>17 Q It's explained in there.</p> <p>18 A Well, maybe you can point it out to me. This</p> <p>19 is the first time I've seen the article.</p> <p>20 Q In the brief skimming through that that you</p> <p>21 just did and the portions that you read, there was no</p> <p>22 mention of granulomatous giant cell responses to talc</p> <p>23 particles, was there?</p> <p>24 MS. AHERN: Objection. Form.</p> <p>25 THE WITNESS: In my brief skimming, that's what I'm</p>	<p>1 MS. AHERN: Objection. Form.</p> <p>2 THE WITNESS: No. I would like to see that.</p> <p>3 BY MR. DEARING:</p> <p>4 Q Okay.</p> <p>5 A Which pharmaceutical companies?</p> <p>6 Q Look at your CV, if you like. It's under the</p> <p>7 title "Pharmaceutical Companies Supported." It looks</p> <p>8 like the Upjohn Company --</p> <p>9 A Wait a minute. Wait a minute. Wait a minute.</p> <p>10 MS. AHERN: I'm sorry. What page are you on,</p> <p>11 David, in the CV?</p> <p>12 THE WITNESS: I see it. It's page 58.</p> <p>13 MS. AHERN: Thank you.</p> <p>14 BY MR. DEARING:</p> <p>15 Q Okay. It looks like the Upjohn Company gave</p> <p>16 you 1.3 million and change for research.</p> <p>17 A Wait a minute. You're looking at line 1,</p> <p>18 right, Upjohn Company?</p> <p>19 Q I'm going through the whole thing.</p> <p>20 A I see 1993 to 1995. I see 314,540.</p> <p>21 Q Keep going. There are other entries for</p> <p>22 Upjohn.</p> <p>23 A Clinical at Wyeth Ayerst, '93 to '98, 59,000.</p> <p>24 Randomized clinical -- that's a -- an NCI</p> <p>25 study.</p>

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<p>1 Merck, human papillomavirus, '99 to '03,</p> <p>2 274,000.</p> <p>3 You know, in case you're not aware of it, this</p> <p>4 money doesn't go directly to me. It goes to the</p> <p>5 university.</p> <p>6 Q I know.</p> <p>7 A Okay. You know that.</p> <p>8 Q I'm just asking you --</p> <p>9 A Merck.</p> <p>10 Q -- you've received approximately \$6 million of</p> <p>11 funding for research in your career from pharmaceutical</p> <p>12 companies?</p> <p>13 A Upjohn --</p> <p>14 MS. AHERN: Objection.</p> <p>15 BY MR. DEARING:</p> <p>16 Q Upjohn, Merck, Watson, Wyeth, and Pfizer.</p> <p>17 A All going to Hopkins. I don't get money. I</p> <p>18 don't get paid that amount.</p> <p>19 Q Does that number sound about right, though?</p> <p>20 A Well, I haven't added them all up, so I'd have</p> <p>21 to sit here in -- with a calculator and add it all up.</p> <p>22 Q How much have you earned testifying for</p> <p>23 Johnson & Johnson to date?</p> <p>24 A Since I was first approached?</p> <p>25 Q Yes.</p>	<p>1 it anymore or they were someone else's opinions, the</p> <p>2 other author's opinions.</p> <p>3 Are you saying you just -- you don't think</p> <p>4 it's necessary to inform the reader that you're --</p> <p>5 A Well, I'll have to think --</p> <p>6 Q -- a highly paid expert witness for Johnson &</p> <p>7 Johnson?</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: I'll have to think that out and make</p> <p>10 a decision.</p> <p>11 BY MR. DEARING:</p> <p>12 Q Okay. Do you know whether the next</p> <p>13 Blaustein's edition includes the epidemiology studies,</p> <p>14 the 25 to 28 studies that show a statistically</p> <p>15 significant increased risk of ovarian cancer in women</p> <p>16 who use talc for feminine hygiene?</p> <p>17 MS. AHERN: Objection. Misstates the literature.</p> <p>18 THE WITNESS: We don't go into that degree of</p> <p>19 depth. It'll be a comment very similar -- maybe a</p> <p>20 little bit more elaborate than what we had in the 2011</p> <p>21 edition, but it's not going to -- it's not an</p> <p>22 epidemiological textbook. It's not going to go into</p> <p>23 all those details.</p> <p>24 BY MR. DEARING:</p> <p>25 Q As I just mentioned and as you've testified,</p>
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<p>1 A A little over \$190,000 since 2015.</p> <p>2 Q Okay. And you haven't billed for any of your</p> <p>3 preparation work for this deposition; right?</p> <p>4 MS. AHERN: Objection.</p> <p>5 THE WITNESS: No. That includes partial billing</p> <p>6 for this.</p> <p>7 BY MR. DEARING:</p> <p>8 Q Okay.</p> <p>9 A Not entirely, partial.</p> <p>10 Q And the next edition of Blaustein's that you</p> <p>11 said is on the way --</p> <p>12 A In press, yeah.</p> <p>13 Q -- in press --</p> <p>14 A Almost in press.</p> <p>15 Q -- are you going to disclose in there</p> <p>16 somewhere that you are a paid witness for Johnson &</p> <p>17 Johnson in the talcum powder litigation?</p> <p>18 A I'll have to look at that. We don't --</p> <p>19 there's some comment about talc, just very similar to</p> <p>20 what we said there. I don't know that it influenced --</p> <p>21 it influenced my -- again, it's a statement of what's</p> <p>22 out there in the literature.</p> <p>23 Q Well, you are -- you've already said that you</p> <p>24 don't necessarily agree with some of the statements in</p> <p>25 this version, whether because you just don't agree with</p>	<p>1 you don't necessarily agree with all of the statements</p> <p>2 made by other authors in this textbook; right?</p> <p>3 A Right. As I said, the book is intended to</p> <p>4 give a general overview of what's out there. I may not</p> <p>5 necessarily specifically agree with something. But we</p> <p>6 felt, in fairness, it all needs to be discussed.</p> <p>7 Q Well, it's not all being discussed because</p> <p>8 you're not discussing both sides of these issues on</p> <p>9 everything; right?</p> <p>10 A What -- both sides of what issues? I mean --</p> <p>11 Q Well, for example, when we were talking</p> <p>12 earlier about -- I don't remember now.</p> <p>13 Oh, we were talking about whether chronic</p> <p>14 inflammation, nonasbestos mineral fibers may be</p> <p>15 etiologic agents for malignant mesothelioma --</p> <p>16 malignant -- perineal malignancies.</p> <p>17 And you said, well, that's one position, but</p> <p>18 you didn't offer the other position that those aren't</p> <p>19 etiologic agents for peritoneal.</p> <p>20 So would you agree with me that you've -- you</p> <p>21 haven't explained both sides of some of these topics?</p> <p>22 MS. AHERN: Objection. Form.</p> <p>23 THE WITNESS: Well, we've tried, to the best of our</p> <p>24 ability, to do so.</p> <p>25 ///</p>

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<p>1 BY MR. DEARING:</p> <p>2 Q Would you agree that good scientists can have</p> <p>3 differing opinions about cancer etiology?</p> <p>4 MS. AHERN: Objection. Form.</p> <p>5 THE WITNESS: That's a very, very general question.</p> <p>6 But if I frame it within the talc litigation, I would</p> <p>7 venture to say that a reasonable scientist viewing --</p> <p>8 viewing all -- viewing the totality of this data, I</p> <p>9 don't think anyone would agree to say that talc causes</p> <p>10 ovarian cancer.</p> <p>11 BY MR. DEARING:</p> <p>12 Q Are you saying that all of the plaintiffs'</p> <p>13 experts, the 30 or so plaintiff experts, that you know</p> <p>14 about, are not good scientists?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: I didn't say that.</p> <p>17 BY MR. DEARING:</p> <p>18 Q Okay. Well, my question is, do you agree with</p> <p>19 me that good scientists can have differing opinions</p> <p>20 about cancer etiology?</p> <p>21 MS. AHERN: Objection. Form.</p> <p>22 THE WITNESS: It's neither good or bad. I'm saying</p> <p>23 that reasonable people looking at all this data, in my</p> <p>24 opinion, would not disagree that this is -- that talc</p> <p>25 causes ovarian cancer.</p>	<p>1 to review for publication that offered some type of</p> <p>2 cancer causation analysis that you thought was just</p> <p>3 biologically not plausible, implausible, would you</p> <p>4 still recommend that publication -- that study for</p> <p>5 publication?</p> <p>6 MS. AHERN: Objection. Form. Incomplete</p> <p>7 hypothetical. Other problems.</p> <p>8 THE WITNESS: I would ask the author to present</p> <p>9 more convincing evidence.</p> <p>10 BY MR. DEARING:</p> <p>11 Q Sure. So you wouldn't -- you wouldn't approve</p> <p>12 or recommend for publication a study that wasn't</p> <p>13 biologically plausible, right, in your mind?</p> <p>14 A I would like to see the data and the evidence</p> <p>15 that you're referring to, if there's a specific case</p> <p>16 for me to answer this very general question.</p> <p>17 Q I don't have a specific case. I'm asking you</p> <p>18 a general question.</p> <p>19 The general question is, if you were reviewing</p> <p>20 a study on some cause of cancer -- and I'm not even</p> <p>21 using a specific, any cause of cancer -- a cause of</p> <p>22 cancer that was being purported in a study and you felt</p> <p>23 like it wasn't biologically plausible, you would not</p> <p>24 recommend that paper for publication; right?</p> <p>25 MS. AHERN: Objection. Form.</p>
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<p>1 BY MR. DEARING:</p> <p>2 Q Right. I'm not asking you about this data.</p> <p>3 I'm talking about cancer in general.</p> <p>4 For example, there are good scientists,</p> <p>5 reputable, knowledgeable scientists that disagree with</p> <p>6 you about your STIC theory; right?</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 THE WITNESS: Not many. Not this day and age.</p> <p>9 Even your expert agrees with us.</p> <p>10 BY MR. DEARING:</p> <p>11 Q I know. I'm not saying that. I'm saying</p> <p>12 there are scientists that don't agree with you.</p> <p>13 That doesn't make them bad scientists; right?</p> <p>14 A Didn't say they're bad scientists.</p> <p>15 Q Do you currently sit on any editorial boards</p> <p>16 or peer review panels?</p> <p>17 A I've taken my -- I retired from those.</p> <p>18 Q So, no, you're not currently on any?</p> <p>19 A No.</p> <p>20 Q When was the last time you sat on one?</p> <p>21 A Well, I -- when I retired in June of 2017, I</p> <p>22 withdrew from the various editorial boards that I was</p> <p>23 on -- that I was currently on.</p> <p>24 Q If you were sitting on a board -- editorial</p> <p>25 board or a peer review panel and you were given a study</p>	<p>1 THE WITNESS: I'd like to see the study that you're</p> <p>2 talking about.</p> <p>3 BY MR. DEARING:</p> <p>4 Q There is no study. I'm making it up.</p> <p>5 MS. AHERN: Objection.</p> <p>6 THE WITNESS: Well, I don't want to comment about</p> <p>7 things that you make up.</p> <p>8 BY MR. DEARING:</p> <p>9 Q Okay. So you don't have an opinion either way</p> <p>10 whether -- if you reviewed a study that was suggesting</p> <p>11 something that wasn't biologically plausible in your</p> <p>12 mind whether you'd approve it for publication?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: You're making these hypothetical</p> <p>15 questions that, to me, are -- I can't answer that.</p> <p>16 BY MR. DEARING:</p> <p>17 Q You can't answer the simple question of</p> <p>18 whether a paper was sent to you to review that you felt</p> <p>19 offered some theory that was not biologically</p> <p>20 plausible, in your mind, whether you would recommend it</p> <p>21 for publication? You can't answer that question?</p> <p>22 MS. AHERN: Objection. Form. Asked and answered</p> <p>23 several times.</p> <p>24 THE WITNESS: No comment.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 214</p> <p>1 BY MR. DEARING:</p> <p>2 Q I thought that was an easy question.</p> <p>3 All right. The second half of your report is</p> <p>4 a criticisms of Dr. Kane.</p> <p>5 Do you agree?</p> <p>6 A Yes.</p> <p>7 Q And were you hired by Johnson & Johnson to</p> <p>8 offer criticisms of Dr. Kane?</p> <p>9 MS. AHERN: Object to the form.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MR. DEARING:</p> <p>12 Q Were you offered by Johnson & Johnson to offer</p> <p>13 your opinions about Dr. Kane's opinions?</p> <p>14 A I was asked --</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: -- to review Dr. Kane's report and</p> <p>17 comment on it.</p> <p>18 BY MR. DEARING:</p> <p>19 Q One of the first things you say in your</p> <p>20 comments section about Dr. Kane -- on page 12, you</p> <p>21 write, "Although Dr. Kane offers opinions in a host of</p> <p>22 areas outside her field, including epidemiology and</p> <p>23 cancer biology" --</p> <p>24 A I'm sorry. Where -- let's be on the same</p> <p>25 page.</p>	<p style="text-align: right;">Page 216</p> <p>1 Q In fact, your textbooks often lead with a</p> <p>2 section on epidemiology in every chapter almost, don't</p> <p>3 they?</p> <p>4 A I said that earlier. I said sure, we do that,</p> <p>5 but I'm not focusing in on an epidemiology review.</p> <p>6 Q Well, it's full of epidemiological data, isn't</p> <p>7 it?</p> <p>8 A Yes, yes, yes.</p> <p>9 Q Okay. And, in fact, in one of your previous</p> <p>10 editions, in the fifth edition, you actually have an</p> <p>11 entire chapter devoted to epidemiology, don't you?</p> <p>12 MS. AHERN: Objection. Form.</p> <p>13 THE WITNESS: You'll notice we removed that.</p> <p>14 BY MR. DEARING:</p> <p>15 Q Yeah. But you felt like it was important for</p> <p>16 pathologists to understand epidemiology, and that's why</p> <p>17 you put a chapter in this textbook; isn't it?</p> <p>18 MS. AHERN: Objection. Form.</p> <p>19 THE WITNESS: In the fifth edition. And then we</p> <p>20 included it in each section in the sixth edition.</p> <p>21 BY MR. DEARING:</p> <p>22 Q Right.</p> <p>23 A Of course, epidemiology is important.</p> <p>24 (The document referenced below was</p> <p>25 marked Deposition Exhibit 7 for</p>
<p style="text-align: right;">Page 215</p> <p>1 Right in the beginning. Okay. Go ahead.</p> <p>2 Q You suggest in the last sentence of the first</p> <p>3 paragraph that Dr. Kane is offering opinions in a host</p> <p>4 of areas outside her field, including epidemiology and</p> <p>5 cancer biology; right?</p> <p>6 A Yes.</p> <p>7 Q You would agree with me, wouldn't you, that a</p> <p>8 pathologist, a learned, skilled pathologist, has a</p> <p>9 working knowledge of epidemiology; right?</p> <p>10 A Working knowledge --</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 THE WITNESS: -- is different than expertise.</p> <p>13 BY MR. DEARING:</p> <p>14 Q I don't think she claimed to be an expert in</p> <p>15 epidemiology.</p> <p>16 A Well, Dr. Kane, in her report -- she's been</p> <p>17 asked to present pathology of ovarian cancer, as I</p> <p>18 understand it -- devotes exactly one paragraph to a</p> <p>19 discussion of ovarian cancer, which is less than a</p> <p>20 percent of her entire report, and spends nearly</p> <p>21 50 percent discussing epidemiology. Doesn't make sense</p> <p>22 to me.</p> <p>23 Q Well, you know how to read epidemiology</p> <p>24 studies, don't you?</p> <p>25 A Yeah.</p>	<p style="text-align: right;">Page 217</p> <p>1 identification and is appended hereto.)</p> <p>2 BY MR. DEARING:</p> <p>3 Q I'm going to show you what's marked as</p> <p>4 Exhibit 7, which is that chapter on epidemiology.</p> <p>5 MS. AHERN: Or a page from that chapter?</p> <p>6 MR. DEARING: The front page. That's the cover</p> <p>7 page from that chapter.</p> <p>8 MS. AHERN: From the fifth edition?</p> <p>9 MR. DEARING: The fifth edition.</p> <p>10 MS. AHERN: Okay. Exhibit 7. Do you have an extra</p> <p>11 copy? Okay. Thank you.</p> <p>12 BY MR. DEARING:</p> <p>13 Q And, as you can see, it's written by Dr. Mark</p> <p>14 Schiffman, and it's Chapter 27.</p> <p>15 A Yes.</p> <p>16 Q And then he leads that chapter -- hopefully,</p> <p>17 you can read that.</p> <p>18 A Well, I'm looking at your handout.</p> <p>19 Q Okay. Yeah, even this one's hard to read.</p> <p>20 I'm sorry. My daughter made that for me a couple days</p> <p>21 ago. It says:</p> <p>22 "Most pathologists are part-time</p> <p>23 epidemiologists as well. Two medical</p> <p>24 disciplines are more closely allied</p> <p>25 than" -- "the two medical disciplines</p>

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<p style="text-align: right;">Page 218</p> <p>1 are more closely allied than many people</p> <p>2 realize. Epidemiologists study the</p> <p>3 distribution and determinants of</p> <p>4 diseases in human populations. In</p> <p>5 current medical practices, diseases are</p> <p>6 often defined by histopathologic</p> <p>7 diagnoses or by clinical pathologic test</p> <p>8 values."</p> <p>9 Did I read that right?</p> <p>10 A You read that correct.</p> <p>11 Q And this is a chapter you actually edited;</p> <p>12 right?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: The fifth edition, yes.</p> <p>15 BY MR. DEARING:</p> <p>16 Q Okay. So there's nothing necessarily</p> <p>17 inappropriate about a skilled, learned pathologist from</p> <p>18 discussing pathology -- I mean, epidemiology; right?</p> <p>19 A Of course. But the point is she's a</p> <p>20 pathologist and she spends over half -- nearly half her</p> <p>21 report on epidemiology and a paragraph on pathology.</p> <p>22 It doesn't seem right, even though we're part-time</p> <p>23 epidemiologists.</p> <p>24 Q You spent half of your report critiquing</p> <p>25 Dr. Kane. So I could suggest that's not right.</p>	<p style="text-align: right;">Page 220</p> <p>1 doing bench research and the pathologist who's doing</p> <p>2 surgical pathology. So, yes, of course, a surgical</p> <p>3 pathologist is going to be aware and understanding but</p> <p>4 is not going to have expertise necessarily in cancer</p> <p>5 biology.</p> <p>6 BY MR. DEARING:</p> <p>7 Q Well, pathologists have had training in cancer</p> <p>8 biology, haven't they?</p> <p>9 A Well, we read about it, we acquaint ourselves</p> <p>10 with it, we go to lectures, we know something about it,</p> <p>11 but we are not experts in it necessarily.</p> <p>12 Q And cancer pathology papers often discuss cell</p> <p>13 biology, don't they?</p> <p>14 A Yes.</p> <p>15 Q You go on to state that your primary area of</p> <p>16 expertise is gynecologic pathology.</p> <p>17 So tell me, what is your -- well, you've</p> <p>18 already explained to us what your methodology is. Do</p> <p>19 you have any criticism of Dr. Kane's methodology as far</p> <p>20 as her -- I know you disagree with some of her</p> <p>21 opinions, but do you have any criticism of the</p> <p>22 methodology she used to go about that?</p> <p>23 A Yes.</p> <p>24 Q Okay. Tell me what that criticism is.</p> <p>25 A Well, one of the main things to start with is</p>
<p style="text-align: right;">Page 219</p> <p>1 MS. AHERN: Objection.</p> <p>2 THE WITNESS: Well, that was in order to point out</p> <p>3 the shortcomings of her analysis. That's all that</p> <p>4 referred to.</p> <p>5 BY MR. DEARING:</p> <p>6 Q I just want to make sure it's crystal-clear</p> <p>7 that you're not suggesting skilled, experienced</p> <p>8 pathologists, like yourself and Dr. Kane, don't</p> <p>9 understand epidemiology.</p> <p>10 MS. AHERN: Objection. Form.</p> <p>11 THE WITNESS: I never said that.</p> <p>12 BY MR. DEARING:</p> <p>13 Q All right. And would you agree with me that</p> <p>14 you can't explain cancer pathology and etiology without</p> <p>15 some understanding and explanation of cancer biology?</p> <p>16 MS. AHERN: Objection. Form.</p> <p>17 THE WITNESS: Cancer biology and epidemiology all</p> <p>18 come into play.</p> <p>19 BY MR. DEARING:</p> <p>20 Q So skilled, experienced, learned pathologists</p> <p>21 typically do know quite a bit about cancer biology if</p> <p>22 they are studying cancer; right?</p> <p>23 MS. AHERN: Objection. Form.</p> <p>24 THE WITNESS: Well, again, there's a difference</p> <p>25 between a pathologist that's a molecular biologist</p>	<p style="text-align: right;">Page 221</p> <p>1 something we've been discussing during the entire</p> <p>2 course of this deposition, and that is that it's now</p> <p>3 generally accepted that high-grade serous carcinoma of</p> <p>4 the ovary begins in the fallopian tube with a precursor</p> <p>5 p53 signature, p53 STICs, and not the surface</p> <p>6 epithelium of the ovary. And she even admits that.</p> <p>7 But yet all the data that she cites, various biology,</p> <p>8 the cell cultures and studies that she refers, they're</p> <p>9 all dealing with the epithelial ovarian tissue, the</p> <p>10 surface epithelium of the ovary, which is not the</p> <p>11 precursor of ovarian cancer. So those are not valid.</p> <p>12 Q It sounds like you are disagreeing with her</p> <p>13 opinion as to the carcinogenesis of ovarian cancers if</p> <p>14 her opinion is they're starting in epithelial cells on</p> <p>15 the ovarian surface; right?</p> <p>16 MS. AHERN: Objection. Form.</p> <p>17 BY MR. DEARING:</p> <p>18 Q Is that what you're saying?</p> <p>19 MS. AHERN: Objection. Form.</p> <p>20 THE WITNESS: I'm disagreeing with the studies that</p> <p>21 she cites to support her opinion that talc causes</p> <p>22 ovarian cancer are based on studies in which she has</p> <p>23 not looked at the true precursor of high-grade serous</p> <p>24 carcinoma. That's what I'm saying.</p> <p>25 ///</p>

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<p>1 BY MR. DEARING:</p> <p>2 Q Sir, are you saying she's relying on faulty</p> <p>3 studies to reach her conclusions?</p> <p>4 A In -- the studies may not be faulty, just the</p> <p>5 wrong study. Well, as I've said, the precursors -- you</p> <p>6 need causation, initiation. We talked about this all</p> <p>7 morning. Should be looking at the precursor lesion in</p> <p>8 the organ where the lesion begins.</p> <p>9 She's looking at -- she's looking at the</p> <p>10 ovarian surface epithelium, or at least citing studies</p> <p>11 that evaluated the ovarian surface epithelium, which is</p> <p>12 not where these cancers begin. So, therefore, she has</p> <p>13 selected studies that are inappropriate.</p> <p>14 Q Do you have any other criticism of her</p> <p>15 methodology other than she's looked at --</p> <p>16 A Well, we can go through them if you want on</p> <p>17 every -- you know, one at a time.</p> <p>18 Q Let's just talk just generally with regard to</p> <p>19 methodology. And we can talk -- we will go</p> <p>20 individually.</p> <p>21 A Okay.</p> <p>22 Q But from just a general standpoint, you</p> <p>23 suggested one problem with her methodology is that</p> <p>24 she's looking at the wrong studies.</p> <p>25 A Right.</p>	<p>1 A Well, you want to begin with analogy? You</p> <p>2 just brought it up a minute ago.</p> <p>3 Q Sure.</p> <p>4 A Okay. I can read from my report.</p> <p>5 "Dr. Kane overstates the</p> <p>6 significance of compositional</p> <p>7 similarities between talc and asbestos.</p> <p>8 Specifically, Dr. Kane relies on an</p> <p>9 observed 'chemical similarity' between</p> <p>10 the two, but the two -- but the fact the</p> <p>11 two materials have similar chemical</p> <p>12 compositions does not mean they will</p> <p>13 have similar effects on the body. For</p> <p>14 instance, the chemical composition of</p> <p>15 water is almost identical to that of</p> <p>16 hydrogen peroxide -- they differ by only</p> <p>17 one oxygen atom -- but their biological</p> <p>18 effects are vastly different. Dr. Kane</p> <p>19 fails to provide any support for her</p> <p>20 suggestion that compositional</p> <p>21 similarities between talc and asbestos</p> <p>22 result in similar biologic effects.</p> <p>23 While talc and asbestos are both</p> <p>24 silicate minerals, talc is inert. By</p> <p>25 contrast, surface reactivity and the</p>
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<p>1 Q Any other criticism of her methodology</p> <p>2 generally?</p> <p>3 A Some of the studies themselves may have issues</p> <p>4 with them specifically. But that, I think, is one of</p> <p>5 the main problems, if you're trying to present evidence</p> <p>6 for ovarian carcinogenesis and causation, to select the</p> <p>7 wrong tissues to be evaluated. Everything else goes by</p> <p>8 the wayside. If the first part doesn't make any sense</p> <p>9 biologically, then the rest is of no value.</p> <p>10 Q Okay. Let's start breaking it down issue by</p> <p>11 issue.</p> <p>12 One of the first issues you identify -- that</p> <p>13 you criticize is that Dr. Kane made observations</p> <p>14 regarding similarities between talc and asbestos and</p> <p>15 between high-grade serous carcinoma and mesothelioma.</p> <p>16 We've already discussed the Bradford Hill causation</p> <p>17 analysis to some extent.</p> <p>18 Do you agree with me that this -- that that</p> <p>19 analogy is also one of those nine considerations of</p> <p>20 Bradford Hill; right?</p> <p>21 A Yes. Analogy is, yes.</p> <p>22 Q So with regard to Dr. Kane looking at the</p> <p>23 wrong studies and your criticism of her methodology, is</p> <p>24 there anything else that comes to mind with regard to</p> <p>25 her methodology that you think is inappropriate?</p>	<p>1 ability to release free radicals</p> <p>2 contribute to the pathogenic effects of</p> <p>3 asbestos."</p> <p>4 Do you want me to go on?</p> <p>5 Q Can you I stop you there? No, I don't. I</p> <p>6 just didn't want to cut you off midsentence.</p> <p>7 A Okay.</p> <p>8 Q I know what your report says. I want to ask</p> <p>9 you some questions about it.</p> <p>10 A Okay.</p> <p>11 Q So your criticism of her application of</p> <p>12 analogy --</p> <p>13 A Right.</p> <p>14 Q -- the one of nine Bradford Hill</p> <p>15 considerations --</p> <p>16 A Right.</p> <p>17 Q -- you think that's a methodology flaw?</p> <p>18 A Yes. And also, even -- you didn't want me to</p> <p>19 go on, but the next is that the analogy between</p> <p>20 malignant mesothelioma --</p> <p>21 Q I'll get to that.</p> <p>22 A -- and -- okay.</p> <p>23 Q You agree with me that Dr. Kane is not saying</p> <p>24 that talc and asbestos are morphologically identical;</p> <p>25 right?</p>

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<p>1 A She makes that comment at some point, but then 2 she says they're similar. 3 Q She doesn't say they're identical, does she? 4 A She may not, but she builds her whole case of 5 analogy on the fact that they're doing the same thing. 6 Q I think you testified already, you haven't 7 look at talc fibers under a microscope, have you? 8 A I have not. 9 Q So you don't know whether asbestiform talc 10 fibers and asbestos fibers are similar; right? 11 MS. AHERN: Objection. Form. 12 BY MR. DEARING: 13 Q Similar in morphology. 14 MS. AHERN: Objection. Form. 15 THE WITNESS: I'm referring to what is easily 16 available in the literature, even for a layman who's 17 not a mineralogist -- 18 BY MR. DEARING: 19 Q Okay. 20 A -- that talc and asbestos are very different 21 from a structural standpoint. Structure is more 22 important, in fact, than chemistry in causing 23 biological effects. 24 Q I'm not talking about chemistry. I'm talking 25 about morphology.</p>	<p>1 making this analogy comparison. 2 MS. GARBER: This is a speaking objection. 3 MR. DEARING: Thank you. You don't need to do 4 that. 5 MS. AHERN: Well, it was, I think, appropriate 6 under the circumstances. You are talking past each 7 other. 8 MS. GARBER: It's not appropriate under CMO 11. 9 You've been doing it all day. You should stop because 10 you're breaking the rules. 11 BY MR. DEARING: 12 Q You don't discuss fibrous talc in your report? 13 A That's right. 14 Q Is that why you're looking at your report? 15 A I'm looking at my report, yeah. 16 Q Okay. So do you have an answer to that 17 question? 18 A My answer is that talc, as the -- as is 19 reported in the literature, has been indicated in 20 virtually every study to be different than asbestos. 21 Q It is different. 22 A I'm not getting into asbestiform or any of 23 that stuff. 24 Q Okay. I don't know if you know the answer to 25 this question, but when a scientist is using the</p>
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<p>1 A Right. 2 Q They're both needle-like fibers. So they're 3 similar. 4 A No, they're not. 5 Q They're not similar at all? 6 A No. 7 Q Okay. We already talked about the fact that 8 IARC treats asbestos fibers and asbestiform fibrous 9 talc the same with regard to the carcinogenicity 10 evaluation; right? 11 MS. AHERN: Objection. Form. 12 THE WITNESS: Again, there's a lot of confusion in 13 this terminology, and I don't want to get stuck into 14 that. 15 BY MR. DEARING: 16 Q I'm not confused. 17 A You're better than I am. 18 Q Well, I don't want to confuse you. So let me 19 put it out there again. Maybe you just don't know, but 20 do you know whether IARC has classified fibrous talc, 21 specifically asbestiform fibrous talc, as carcinogenic 22 as it did asbestos fibers? 23 MS. AHERN: Objection. Asked and answered. And I 24 think this is supposed to be about Dr. Kane's report, 25 and she doesn't mention asbestiform talc when she's</p>	<p>1 Bradford Hill assessment to determine causal 2 association and that scientist is studying analogy, you 3 agree that analogy doesn't mean that the -- the agents 4 are identical, but what it means is that they are -- 5 they have reasonable demonstrable similarities; right? 6 Do you know that or -- 7 A I'm aware of that, but I don't believe they 8 have reasonable demonstrable similarities. 9 Q Fair enough. 10 Do you agree that both fibrous talc and 11 asbestos are both fibrous silicate minerals that cannot 12 be readily absorbed or dissolved by the body? 13 MS. AHERN: Objection. Form. 14 THE WITNESS: Talc cannot be easily absorbed and 15 degraded. Asbestos, on the other hand, can penetrate 16 tissues and stay in there for periods of time and get 17 into small areas that can lead to development of 18 mesothelioma. 19 BY MR. DEARING: 20 Q And they both elicit a biomechanistic 21 foreign-body response in the body; right? 22 MS. AHERN: Objection. Form. 23 THE WITNESS: Again, I'm not aware of asbestos 24 producing a foreign-body giant cell granulomatous 25 reaction. It produces fibrosis.</p>

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<p style="text-align: right;">Page 230</p> <p>1 BY MR. DEARING:</p> <p>2 Q You use the analogy of water and hydrogen</p> <p>3 peroxide as two things that may look similar that are</p> <p>4 very different.</p> <p>5 Did you come up with that yourself? Because</p> <p>6 it's actually been used in two opening statements in</p> <p>7 trials.</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: Honestly, I have another suggest --</p> <p>10 it was actually brought up by counsel, and I totally</p> <p>11 agreed with it. But I actually had other comparisons</p> <p>12 that I could have mentioned, which I didn't.</p> <p>13 BY MR. DEARING:</p> <p>14 Q You go on to say in your report that talc</p> <p>15 particles are normally plate-like, unlike asbestos</p> <p>16 fibers. And I assume you read that somewhere; right?</p> <p>17 A Yeah, probably in the IARC monograph.</p> <p>18 Q But you make no mention of fibrous talc. Do</p> <p>19 you know that fibrous talc exists?</p> <p>20 MS. AHERN: Objection. Form.</p> <p>21 THE WITNESS: I've already commented on the</p> <p>22 business of fibrous talc. I'm not going to get into</p> <p>23 it.</p> <p>24 BY MR. DEARING:</p> <p>25 Q I just want to know if you knew about it.</p>	<p style="text-align: right;">Page 232</p> <p>1 Q It says:</p> <p>2 "In any event, although it is well</p> <p>3 established that asbestos exposure can</p> <p>4 cause pleural mesothelioma (and much</p> <p>5 less commonly lung cancer), the data</p> <p>6 implicating asbestos exposure and</p> <p>7 ovarian cancer is significantly weaker."</p> <p>8 When you make that statement about ovarian</p> <p>9 cancer, you're referring to epidemiological data,</p> <p>10 right, when you say "data"?</p> <p>11 A Pretty much so, yes.</p> <p>12 Q So you criticize Dr. Kane for discussing</p> <p>13 epidemiology, and then you rely on an epidemiological</p> <p>14 study for -- to support your criticism; right?</p> <p>15 A Well, in order to criticize her</p> <p>16 epidemiological studies, I had to use epidemiological</p> <p>17 studies.</p> <p>18 Q Okay. But you agree that, as we've already</p> <p>19 seen, the data implicating asbestos exposure and</p> <p>20 ovarian cancer was strong enough for IARC to make that</p> <p>21 connection; right?</p> <p>22 MS. AHERN: Objection. Form.</p> <p>23 THE WITNESS: We've discussed this earlier, and I</p> <p>24 mentioned the various -- what I felt are shortcomings</p> <p>25 of that analysis, and it's summarized here. Especially</p>
<p style="text-align: right;">Page 231</p> <p>1 A Sure, sure.</p> <p>2 Q All I'm asking is if you know whether it</p> <p>3 exist.</p> <p>4 A I've known it. I've seen it mentioned. Yeah,</p> <p>5 sure.</p> <p>6 Q So you know about it; you just didn't feel the</p> <p>7 need to mention it in your report?</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: Well, I didn't want to go into all</p> <p>10 those details because I didn't feel that it was</p> <p>11 necessary. I thought there was sufficient evidence to</p> <p>12 indicate that talc, as described in the literature, is</p> <p>13 different from asbestos described in the literature</p> <p>14 insofar as the biological effects that the two produce.</p> <p>15 BY MR. DEARING:</p> <p>16 Q In your report on page 14, you state "In any</p> <p>17 event, although it is well established that" --</p> <p>18 A Wait, wait, wait. I see Dr. Kane's claim.</p> <p>19 Are we worried about that? Where are we?</p> <p>20 Q Right. It's about -- one, two, three, four --</p> <p>21 five lines down from the top, starting "in any event."</p> <p>22 A Oh. Top photograph.</p> <p>23 Q Right.</p> <p>24 A One, two, three four -- "in any event." Okay.</p> <p>25 Go ahead.</p>	<p style="text-align: right;">Page 233</p> <p>1 when you're comparing it to perineal exposure of talc,</p> <p>2 we're talking about inhalation studies, we're talking</p> <p>3 about very high occupational exposures or environmental</p> <p>4 exposures which are very high. The number of women in</p> <p>5 these studies is very small, and there's a significant</p> <p>6 chance that these tumors were not carcinomas but</p> <p>7 mesotheliomas.</p> <p>8 BY MR. DEARING:</p> <p>9 Q So several times you keep saying occupational</p> <p>10 exposure and that exposure was very high. But if you</p> <p>11 don't believe asbestos can cause ovarian cancer, why</p> <p>12 does it matter how high the exposure is?</p> <p>13 A Well, certain thresholds are required for</p> <p>14 certain things.</p> <p>15 Q Do you think if there's enough ovarian</p> <p>16 exposure to asbestos, that it might cause ovarian</p> <p>17 cancer?</p> <p>18 A I'm saying that's maybe why they came to that</p> <p>19 conclusion. They're looking at huge exposures. And,</p> <p>20 yeah, that may be very significant as opposed to a very</p> <p>21 minimal exposure.</p> <p>22 Q Of course, when Dr. Kane made the observation</p> <p>23 that high-grade serous carcinoma and mesothelioma have</p> <p>24 striking morphologic similarities, she also referred to</p> <p>25 two studies that suggest the same thing; right?</p>

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<p>1 A I'd have to look at her report, what those two 2 studies are. 3 Q I actually don't have her report. I'm sorry. 4 A I can't comment. 5 Q Well, would you agree with me that high-grade 6 serous carcinoma and mesothelioma, although not 7 identical, they do have significant morphologic 8 similarities? 9 MS. AHERN: Objection. Form. 10 THE WITNESS: Lots of tumors have similar 11 morphologic similarities. 12 BY MR. DEARING: 13 Q Well, those two are so close that pathologists 14 might have mistaken one for the other for years before 15 histopathologic stains were improved eight years ago. 16 A I think, if you weren't an expert in 17 gynecologic pathology, that may have been -- that may 18 have been an issue. 19 Q So are you agreeing me that they're 20 pathologically similar enough to where experienced 21 surgical pathologists may have been diagnosing ovarian 22 cancer when it was mesothelioma or vice versa? 23 A No. You said -- I said experienced 24 pathologists probably would not have that problem. 25 Inexperienced pathologists might have that problem.</p>	<p>1 pathologists that are referred to in these studies were 2 inexperienced? 3 A One of the studies that they're describing, 4 they describe using the Danish Cancer Registry, and I 5 have, in fact, done studies with the Danish Cancer 6 Registry. And they report a certain disagreement. I 7 think I came up with 16 percent or something like that. 8 And I said, well, maybe it could even be as high as 9 20 percent. 10 Well, you have to understand how these 11 registry studies are done, at least in Denmark where I 12 have direct personal experience. These -- the data 13 that comes in are from every hospital throughout the 14 country of Denmark, and it's based on pathology 15 records, for the most part. 16 When we did our studies of ovarian tumors, 17 borderline tumors, we requested that the slides be sent 18 in. And they probably did something like that in one 19 of those studies. And I can tell you that in our 20 studies, looking at those cases that had been 21 classified -- I'm talking about the borderline 22 studies -- there was significant disagreement because 23 those pathologists weren't that skilled. They just 24 didn't see enough of these rather uncommon cases to 25 make the correct diagnosis.</p>
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<p>1 Q Well, let's quote it exactly, on page 14. You 2 state in the last sentence or so of the first paragraph 3 "Finally, from a pathology standpoint" -- 4 A Wait, wait. I don't see -- where's "finally"? 5 Q Last sentence, Doctor. You're way below it. 6 First paragraph. 7 A Oh, the first paragraph. 8 Q Top paragraph. 9 A "Finally." I see it. 10 Q Okay. 11 "Finally, from a pathology 12 standpoint, there is a significant 13 likelihood that some tumors observed in 14 these occupational studies, which are 15 quite dated, were misclassified due to 16 misreporting on death certificates and 17 lack of immunohistochemical analysis to 18 adequately distinguish peritoneal 19 mesothelioma from ovarian cancer (i.e., 20 peritoneal mesotheliomas were 21 misdiagnosed as ovarian carcinomas)." 22 So by acknowledging that the pathologists may 23 have misdiagnosed those tumors but then saying but not 24 an experienced -- an experienced pathologist wouldn't 25 make that mistake, are you saying that all the</p>	<p>1 And I suspect a similar thing may have 2 happened with these mesotheliomas. Mesotheliomas are 3 relatively uncommon. Little hospitals throughout 4 Denmark may be seeing one mesothelioma, you know, every 5 five years. So they don't have that much experience. 6 So they may have misclassified them. They may be 7 higher than the 16 percent that they refer to. 8 That's what I was getting at. 9 Q So the bottom line is you're speculating that 10 some of these pathologists may have misdiagnosed 11 mesotheliomas for ovarian carcinomas? 12 MS. AHERN: Objection. Form. 13 THE WITNESS: I'm basing it on my own experience. 14 Not with mesothelioma, but with the Danish tumor 15 registry, with cases seen by nonexpert pathologists 16 sending in to a central review that there is -- there 17 was misclassification, yes. 18 BY MR. DEARING: 19 Q So this is a court proceeding, and in court 20 we're interested in evidence. And do you have any 21 evidence that these pathologists in this study that 22 you're referring to likely misdiagnosed ovarian 23 carcinomas for mesotheliomas? 24 MS. AHERN: Objection. Form. 25 THE WITNESS: I said there's a significant</p>

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<p>1 possibility. I didn't say likelihood.</p> <p>2 BY MR. DEARING:</p> <p>3 Q What are you basing that on other than -- you</p> <p>4 said -- well, you're basing that on your experience</p> <p>5 with Denmark?</p> <p>6 A Well, I can -- yes, my experience with Denmark</p> <p>7 and the Danish tumor registry.</p> <p>8 Q Okay. Would you agree with me that the fact</p> <p>9 that skilled surgical pathologists might be confusing</p> <p>10 ovarian cancers with mesothelial cancers or</p> <p>11 mesotheliomas, it suggests that those cancers are</p> <p>12 sufficiently similar to meet the analogy consideration</p> <p>13 of Bradford Hill?</p> <p>14 MS. AHERN: Objection. Form.</p> <p>15 THE WITNESS: As I said, a skilled gynecologic</p> <p>16 pathologist, I don't think, would make that mistake. I</p> <p>17 think some of those misclassifications are due to</p> <p>18 nonskilled pathologists who don't see that much. And,</p> <p>19 therefore, mesothelioma and -- malignant mesothelioma</p> <p>20 and high-grade serous carcinoma can be distinguished</p> <p>21 morphologically and aided also with immunized</p> <p>22 chemistry.</p> <p>23 BY MR. DEARING:</p> <p>24 Q Sure. I'm not saying they can't be</p> <p>25 distinguished. They clearly can be. My question is</p>	<p>1 Last sentence of the first paragraph.</p> <p>2 A Yes.</p> <p>3 Q Actually, that's not it. Wait a minute.</p> <p>4 On the next page, second sentence, page 16.</p> <p>5 You say, "Foreign-body granulomas are what you would</p> <p>6 expect to find in tissue exposed to noninfectious</p> <p>7 material like talc and surgical gloves"; right?</p> <p>8 A Sutures.</p> <p>9 Q I'm sorry, surgical sutures.</p> <p>10 And for support of that statement, you cite to</p> <p>11 a study by Dr. Kabeer Shah in the Journal of Clinical</p> <p>12 Tuberculosis and Other Mycobacterial Diseases; right?</p> <p>13 A Let me see. That's 108. That doesn't seem to</p> <p>14 be the right reference. Hmm. Oh, 106. Sorry. No,</p> <p>15 106 doesn't seem to be correct either.</p> <p>16 Am I looking at the wrong part?</p> <p>17 Shah here. It should be 95, the reference.</p> <p>18 MS. AHERN: I think he's referring to your</p> <p>19 footnote.</p> <p>20 THE WITNESS: Could you please repeat your question</p> <p>21 and tell me what you're referring to exactly.</p> <p>22 BY MR. DEARING:</p> <p>23 Q Sure. With regard to your statement,</p> <p>24 "Foreign-body granulomas are what you would expect to</p> <p>25 find in tissue exposed to noninfectious material like</p>
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<p>1 the fact that these surgeons were confusing them for</p> <p>2 years, apparently, doesn't that rise to the level of</p> <p>3 analogy for purposes of a Bradford Hill causal</p> <p>4 association analysis?</p> <p>5 MS. AHERN: Objection. Form.</p> <p>6 THE WITNESS: You mean pathologists, not surgeons.</p> <p>7 Pathologists.</p> <p>8 BY MR. DEARING:</p> <p>9 Q Pathologists, right.</p> <p>10 A I don't think it rises to the level necessary</p> <p>11 to really prove that there's analogy.</p> <p>12 Q You also take exception to Dr. Kane's</p> <p>13 recitation of the evidence that talc-induced chronic</p> <p>14 inflammation can cause ovarian cancer; right?</p> <p>15 A Are we on a specific page of my report or her</p> <p>16 report?</p> <p>17 Q Sure. It's just the next section.</p> <p>18 "Talc-induced chronic inflammation is a cause of</p> <p>19 ovarian cancer."</p> <p>20 A Okay. All right. Okay.</p> <p>21 Q We've already had a lengthy conversation about</p> <p>22 foreign-body granulomas and foreign-body responses.</p> <p>23 A Right.</p> <p>24 Q But for support -- well, first, you say</p> <p>25 "foreign-body granuloma" -- I'm sorry.</p>	<p>1 talc and surgical sutures," and you say footnote 108 to</p> <p>2 support that statement; right?</p> <p>3 A Shah, yes.</p> <p>4 Q Right. You go down to footnote 108, that's</p> <p>5 the Shah study?</p> <p>6 A Right.</p> <p>7 Q Okay. I'm handing you the Shah study that I</p> <p>8 believe you're referring to.</p> <p>9 MR. DEARING: Anybody else want a copy?</p> <p>10 I'm going to mark it as Exhibit Number 8.</p> <p>11 MS. AHERN: Thank you.</p> <p>12 MR. DEARING: Will you give him the marked one so</p> <p>13 we can be proper about this.</p> <p>14 MS. AHERN: Yeah.</p> <p>15 (The document referenced below was</p> <p>16 marked Deposition Exhibit 8 for</p> <p>17 identification and is appended hereto.)</p> <p>18 BY MR. DEARING:</p> <p>19 Q Is that the study that you relied on for that</p> <p>20 statement?</p> <p>21 A Yes.</p> <p>22 Q And this study is entitled "Histopathologic</p> <p>23 Review of Granulomatous Inflammation"; right?</p> <p>24 A Yes.</p> <p>25 Q And Dr. Shah does suggest granulomatous</p>

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<p>1 inflammation might be associated with talc, surgical 2 sutures, and food material? 3 A Are you reading something specifically that I 4 should be looking at? 5 Q Well, sure. On page 3 -- 6 A Okay. 7 Q -- about a little over midway down the 8 left-hand column -- 9 A All right. 10 Q -- it starts "Two broad forms." 11 A Yes. 12 Q And we talked about these already. 13 A Right. 14 Q "Two broad forms of well-defined granuloma 15 exist, defined by their etiology." There's that word 16 again. 17 Do you know how he is using the word 18 "etiology" in that sentence? 19 A Yeah. He's dividing them into those that are 20 foreign-body giant cell granulomas and immune 21 granulomas. That's all I can make out of it. 22 Q So -- okay. And he says, "Foreign-body giant 23 cells are histiocytic reactions to otherwise inert 24 material without an adaptive immune response, for 25 example, suture, talc, and food material"; right?</p>	<p>1 MS. AHERN: Objection. Form. 2 BY MR. DEARING: 3 Q And in your years of experience, you've never 4 observed -- well, let me ask you, have you ever 5 observed a surgical suture in gynecologic -- 6 A Oh, yes. 7 Q -- material? 8 A Yeah. 9 Q And did they form granulomatous reactions -- 10 A Yes. 11 Q -- or granulomas? 12 A Yes. 13 Q You can actually see surgical sutures and 14 granulomas with the naked eye, can't you? 15 A You can actually see them with the naked eye, 16 that's right. 17 Q That's because surgical sutures are quite 18 large compared to talc particles, aren't they? 19 MS. AHERN: Objection. Form. 20 BY MR. DEARING: 21 Q Well, let me ask you -- 22 THE WITNESS: I would think so, yes. 23 BY MR. DEARING: 24 Q Based on Dr. McDonald's study we've already 25 looked at --</p>
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<p>1 A Yep. 2 Q "A collection of histiocytes 3 surround the foreign material and as 4 single histiocytes are unable to 5 phagocytize the foreign material alone. 6 The foreign material" -- I'm sorry. 7 "The foreign material can be visualized 8 by light microscopy and often exhibits 9 birefringence using polarized light." 10 So histiocytes are macrophages; right? 11 A Right. 12 Q Okay. So what he's saying there is that these 13 giant cells form when macrophages alone cannot engulf 14 the particle; right? 15 A Well, when a single, I think, macrophage 16 can't, so they join forces to encompass this larger 17 material. 18 Q So when the material is too big for a single 19 macrophage to phagocytize -- which means to ingest; 20 right? 21 A Right. 22 Q So if the particle is too big for the 23 macrophage to ingest alone, more macrophages join in, 24 and then a giant cell granuloma is formed; right? 25 A Correct.</p>	<p>1 A Right. 2 Q If the average size of a talc particle in 3 gynecologic tissue that they've studied is in the 5- to 4 10-micron range, a typical surgical suture is probably 5 a thousand times larger than that; right? 6 A Sure, it's larger. Sure. 7 Q Not just larger, a thousand times larger? 8 MS. AHERN: Objection. Form. 9 THE WITNESS: I don't know if it's a thousand or 10 500 or 200 or what. Larger. 11 BY MR. DEARING: 12 Q Well, by reference, would you agree that a 13 human hair is about 80 to 100 microns in diameter? 14 A I honestly have never measured. I don't know. 15 Q Does that seem unreasonable? I looked it up. 16 A You looked it up. I haven't looked it up, so 17 I don't -- 18 Q Okay. 19 A Since I'm under oath, I don't want to say 20 something that may not be true. 21 Q Okay. Well, I'm just trying to add context to 22 what a micron is in size. 23 So we're talking about granulomatous responses 24 to surgical sutures that are -- if -- if talc particles 25 and tissue are 5 microns, surgical sutures are probably</p>

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<p>1 a thousand times bigger than a talc particle; right?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: We didn't agree on your -- the</p> <p>4 decision that they're a thousand times -- but they're</p> <p>5 larger. Let's put it that way.</p> <p>6 BY MR. DEARING:</p> <p>7 Q Well, you can't see a 5-micron talc particle</p> <p>8 with the naked eye, can you?</p> <p>9 A No.</p> <p>10 Q But you can see a surgical suture with the</p> <p>11 naked eye?</p> <p>12 A Yeah. But I can't extrapolate from that that</p> <p>13 it's a thousand times larger. That's all I'm saying.</p> <p>14 Q Right. It's probably bigger than that, but</p> <p>15 the point is made.</p> <p>16 So when Dr. Shah suggested talc might elicit a</p> <p>17 granulomatous response, he's referring to very large</p> <p>18 talc particles, not small 5-micron particles or large</p> <p>19 clusters of particles; right?</p> <p>20 MS. AHERN: Objection. Form.</p> <p>21 BY MR. DEARING:</p> <p>22 Q Do you not have an answer to that?</p> <p>23 A Oh, I'm sorry. I missed it. What was your</p> <p>24 question?</p> <p>25 Q So when Dr. Shah is suggesting that talc might</p>	<p>1 in this study?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: As I recall --</p> <p>4 BY MR. DEARING:</p> <p>5 Q Or any gynecologic tissue, for that matter?</p> <p>6 A Not specifically.</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 BY MR. DEARING:</p> <p>9 Q When he discusses reactions to talc, he's</p> <p>10 referring to lung tissue that has trapped large talc</p> <p>11 particles or clusters of particles by either inhalation</p> <p>12 or surgical pleurodesis; right?</p> <p>13 MS. AHERN: Objection. Where are you reading from?</p> <p>14 In the Shah article?</p> <p>15 MR. DEARING: Yeah.</p> <p>16 BY MR. DEARING:</p> <p>17 Q In the beginning, he describes the organs that</p> <p>18 he's considering.</p> <p>19 MS. AHERN: I'm sorry. The abstract?</p> <p>20 MR. DEARING: Maybe.</p> <p>21 BY MR. DEARING:</p> <p>22 Q Yeah. "The pulmonary system is one of the</p> <p>23 most commonly affected sites to encounter granulomatous</p> <p>24 inflammation."</p> <p>25 A Okay.</p>
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<p>1 elicit a granulomatous response, he's referring to very</p> <p>2 large talc particles, like industrial grade, not</p> <p>3 cosmetic-grade particles that are 5 microns?</p> <p>4 MS. AHERN: Okay.</p> <p>5 BY MR. DEARING:</p> <p>6 Q Or large clusters of particles, he might be</p> <p>7 referring to those?</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: Yeah. I mean, I don't see why</p> <p>10 cosmetic talc can't clump together and form larger</p> <p>11 particles.</p> <p>12 BY MR. DEARING:</p> <p>13 Q And, again, the statement that you're using</p> <p>14 the study to support is that foreign-body granulomas</p> <p>15 are what you would expect to find in tissue exposed to</p> <p>16 noninfectious material like talc and surgical sutures.</p> <p>17 You are talking about gynecologic tissue</p> <p>18 exposed to talc, right --</p> <p>19 A Yeah.</p> <p>20 Q -- when you make that statement?</p> <p>21 MS. AHERN: Objection. Form.</p> <p>22 THE WITNESS: Sure.</p> <p>23 BY MR. DEARING:</p> <p>24 Q Okay. Dr. Shah never once mentions talc and</p> <p>25 granulomatous inflammation in ovarian tissue, does he,</p>	<p>1 Q Okay. But the point is he doesn't talk about</p> <p>2 any gynecologic tissue in his response to talc in this</p> <p>3 study; right?</p> <p>4 A I guess it's because it's so rare.</p> <p>5 Q Well, you're using a study to support the</p> <p>6 statement that foreign-body granulomas will form in</p> <p>7 gynecologic tissue if they're exposed to talc.</p> <p>8 A Right.</p> <p>9 Q And you're using a study that doesn't even</p> <p>10 discuss gynecologic tissue; right?</p> <p>11 A There's no reason for me to think that there</p> <p>12 would be a difference, but --</p> <p>13 Q Okay.</p> <p>14 A -- he didn't describe it, GYN.</p> <p>15 Q Okay. Look on page 5, if you would. And</p> <p>16 that's a photomicrograph. And the way Dr. Shah</p> <p>17 describes it is first he identifies a foreign-body</p> <p>18 giant cell reaction within the lung alveoli, and then</p> <p>19 he says, "with macrophages engulfing inhaled talc."</p> <p>20 A Okay.</p> <p>21 Q So what he's saying there is that it's</p> <p>22 actually macrophages engulfing talc particles, right,</p> <p>23 not --</p> <p>24 A We just said that before. Macrophages are</p> <p>25 equivalent to histiocytes.</p>

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<p>1 Q Right. But my point is he includes a 2 photomicrograph of that happening just like 3 Dr. McDonald, Godleski, Welch, that group did in that 4 study that we went over a little while ago; right? 5 MS. AHERN: Objection. Form. Mischaracterizes the 6 paper. 7 THE WITNESS: Perhaps so. 8 BY MR. DEARING: 9 Q Can you tell from looking at this 10 photomicrograph whether talc particles are being 11 engulfed by macrophages? 12 A On the H&E slide, I can see it, yes. 13 Q So you believe that that's being accurately 14 described? 15 A I can see it, yes. I couldn't see it in that 16 other paper. 17 Q Okay. So on page 20 of your report, you 18 criticize Dr. Kane for discussing parts of the body 19 that is unrelated to ovarian carcinogenesis, yet -- 20 A What are you referring to now? What 21 paragraph? 22 Q Anyway -- and if I'm remembering this wrong, 23 feel free to correct me; it's your report. But I seem 24 to recall that you were criticizing Dr. Kane for using 25 studies that didn't pertain to gynecologic tissue, they</p>	<p>1 presumably those of Dr. McDonald's study as well, 2 macrophages can adequately sequester smaller talc 3 particles; right? 4 A Well, yeah. And they present that in the 5 article. These are foreign-body granulomas that you're 6 seeing here. These collections of -- all of them 7 together form a foreign-body granuloma. 8 Q But they're described as macrophages. 9 A Yeah, but the macrophages form the granuloma. 10 Q Only when they connect; right? 11 A No, when they lump together. 12 Q Right. 13 A You can see it says "foreign-body giant cell 14 reaction within long alveoli with macrophages engulfing 15 inhaled talc." 16 So the macrophages inhale the talc or 17 phagocytize it. And as they come together, they form a 18 foreign-body giant cell. 19 MS. GARBBER: I'm just going to object to Ms. Ahern 20 pointing out to the doctor where to look during his 21 testimony. I request that she stop doing that. It's 22 also violating the rules. 23 MS. AHERN: Well, he's asking about that. I just 24 simply pointed him to what he was asking him about. 25 MS. GARBBER: You pointed him to where he needed to</p>
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<p>1 weren't gynecology studies, to support one of her 2 propositions. 3 Do you remember criticizing her for that? 4 MS. AHERN: Objection. Form. 5 THE WITNESS: I know you're having a problem, but 6 I -- that came up different places, so I'd like to see 7 exactly where you're referring so that I can try to 8 respond. 9 BY MR. DEARING: 10 Q Well, tell you what. If I have time, I'll 11 come back to that. 12 A Okay. 13 Q It's not that important. 14 A Okay. 15 Q The fact is many pathologists who have studied 16 talc particles in tissue have recognized macrophages as 17 the foreign-body response in talc particles, not large 18 cell or giant cell granulomas; right? 19 MS. AHERN: Objection. Form. 20 THE WITNESS: No. The macrophages form giant 21 cell -- 22 BY MR. DEARING: 23 Q Right. 24 A -- foreign-body giant cells. 25 Q But as evidenced in these photomicrographs and</p>	<p>1 look to answer the question, so please stop doing that. 2 MS. AHERN: Well, the question was misleading. I'm 3 trying to assume that macrophages are different from 4 foreign-body reaction. 5 MR. DEARING: Okay. Well, make an objection. 6 Don't coach the witness. Okay. Just make an 7 objection. That's what you're supposed to do. 8 MS. AHERN: Well, stop asking misleading questions. 9 BY MR. DEARING: 10 Q The same pathologists that have reported 11 observing macrophages responding to talc particles in 12 tissue also suggest that the reason giant cell 13 granulomas are not formed is because the talc particles 14 are too small and the macrophages can adequately 15 sequester them. 16 Do you agree with that position? 17 MS. AHERN: Objection. Form. 18 THE WITNESS: Please show me the reference that 19 you're making. 20 BY MR. DEARING: 21 Q You haven't read any studies that you can 22 recall that say that? 23 A No, not specifically. 24 Q Okay. While we're on the topic of 25 macrophages, would you agree with me that macrophages</p>

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<p>1 can also release reactive oxygen species and reactive 2 nitrogen species when they deteriorate? 3 MS. AHERN: Objection. Form. 4 THE WITNESS: Yes, they can. 5 BY MR. DEARING: 6 Q Have you taught medical students as part of 7 your career? 8 A Yes. 9 Q What did you teach medical students with 10 regard to whether size of foreign particles in any way 11 determines the type of foreign-body reaction to it? 12 MS. AHERN: Objection. Form. 13 THE WITNESS: I don't think I ever taught them 14 anything about that. 15 BY MR. DEARING: 16 Q Well, you certainly taught them about 17 macrophages and giant cell granulomas; right? 18 MS. AHERN: Objection. Form. 19 THE WITNESS: Actually, I don't think I did. 20 BY MR. DEARING: 21 Q Okay. Something else you wrote in Blaustein's 22 fourth edition -- 23 Tell you what. Can we take about a 24 five-minute break? 25 THE WITNESS: Sure.</p>	<p>1 starts "Rarely." 2 Do you see that? 3 A Yeah. Uh-huh. 4 Q It says: 5 "Rarely talc or another foreign 6 substance may elicit a foreign-body 7 reaction in the endometrium. Talc may 8 be introduced into the endometrial 9 cavity by instruments contaminated with 10 talc powder or by gloves during a pelvic 11 exam. Patients may be asymptomatic or 12 may have menorrhagia." 13 Did I pronounce that right? 14 A Uh-huh. 15 Q "Microscopically, the extent of 16 the granulomatous inflammatory reaction 17 depends on the quantity of the talc 18 inoculated. The infiltrate is 19 characterized by histiocytes and 20 foreign-body multinucleated giant cells 21 surrounding the talc crystals along with 22 lymphocytes and plasma cells. The 23 crystals appear as refractile, 24 birefringent, needle-like, or fan-shaped 25 splinters in polarizing light."</p>
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<p>1 VIDEO OPERATOR BROWN: Time is now 4:05. Going off 2 the record. 3 (Recess taken.) 4 VIDEO OPERATOR BROWN: Okay. Time is now 4:20. 5 Back on the record. 6 (The document referenced below was 7 marked Deposition Exhibit 9 for 8 identification and is appended hereto.) 9 BY MR. DEARING: 10 Q Doctor, I'm showing you a portion of 11 Blaustein's Pathology of the Female Genital Tract, 12 Fourth Edition, marked as Exhibit Number 9. 13 Actually, I'm sorry. Can I see that one 14 again. Want to make sure I'm giving you the right one. 15 I'm not. 16 MS. AHERN: Thank you. 17 BY MR. DEARING: 18 Q And, Doctor, this is an excerpt from 19 Chapter 14. It's entitled "Diseases of the Fallopian 20 Tube," and it looks like it was authored by you and 21 Dr. Mazur; is that right? 22 A It looks that way, yes. 23 Q Okay. What I want to point out is, on 24 page 376, at the bottom, there's a paragraph that -- 25 well, almost at the bottom, there's a paragraph that</p>	<p>1 So two things I want to draw out of that 2 paragraph. 3 The first is, you say, "Microscopically, the 4 extent of the granulomatous inflammatory reaction 5 depends on the quantity of the talc inoculated." 6 So what you're saying there, right, is that 7 the type of foreign-body reaction the body exerts 8 towards talc depends on how much talc is there or the 9 size of the particles; right? 10 MS. AHERN: Objection. Form. 11 THE WITNESS: Not the type, the extent. 12 BY MR. DEARING: 13 Q By "extent," you mean? 14 A Amount. 15 Q Okay. So if there were just a few particles, 16 three or four isolated particles, you know, that 17 weren't right adjacent to each other that were in the 18 5-micron range or so, would you expect that a 19 macrophage could handle those? 20 A I cannot -- you know, I can't get down into 21 the specifics of the size. It would be more -- 22 basically, what that sentence means is the more of the 23 inoculum, the more of an infiltrate you'll get. I 24 can't break it down to, you know, three macrophages 25 versus ten, whatever.</p>

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<p style="text-align: right;">Page 258</p> <p>1 Q Okay. But the extent of the granulomatous</p> <p>2 response depends on the quantity of the talc present in</p> <p>3 the tissue; right?</p> <p>4 A Right.</p> <p>5 Q The other thing I wanted to draw out of that</p> <p>6 is that the -- when you say, "The crystals appear as</p> <p>7 refractile, birefringent, needle-like, or fan-shaped</p> <p>8 splinters in polarizing light," you're talking about</p> <p>9 talc crystals; right?</p> <p>10 A Yes.</p> <p>11 Q So if they're needle-like, are you referring</p> <p>12 to talc fibers?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: Talc.</p> <p>15 BY MR. DEARING:</p> <p>16 Q So you're acknowledging that talc can have</p> <p>17 needle-like morphology?</p> <p>18 A Yeah.</p> <p>19 MS. AHERN: Objection. Form.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. DEARING:</p> <p>22 Q By the way, while we're on it, the fourth</p> <p>23 edition of Blaustein's -- and I don't have the book,</p> <p>24 but it actually identifies talc as a risk factor for</p> <p>25 ovarian cancer; doesn't it?</p>	<p style="text-align: right;">Page 260</p> <p>1 A Are you asking for the specific risk factors</p> <p>2 of ovarian cancer or just in general?</p> <p>3 Q In general, what do you mean by "risk</p> <p>4 factors," the term?</p> <p>5 A A factor that increases the risk of someone</p> <p>6 developing cancer.</p> <p>7 Q What are the recognized risk factors for</p> <p>8 ovarian cancer?</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: Well, it's a little bit of a</p> <p>11 complicated question in that different people have</p> <p>12 different opinions as to does -- is there enough data</p> <p>13 to suggest that this particular factor rises to the</p> <p>14 level of a risk factor. Some say, "Oh, yes, it does."</p> <p>15 Others say, "Well, it isn't."</p> <p>16 So there are these associations which some</p> <p>17 like to consider risk factors and some that don't.</p> <p>18 Some are much stronger than others.</p> <p>19 BY MR. DEARING:</p> <p>20 Q Can you specifically identify what you think</p> <p>21 are maybe the three strongest risk factors for ovarian</p> <p>22 cancer?</p> <p>23 A Well, family history, I think, is a strong</p> <p>24 one. I think genetic history in terms of specifically</p> <p>25 BRCA mutations is a very strong one. And I think kind</p>
<p style="text-align: right;">Page 259</p> <p>1 A As a what, risk factor?</p> <p>2 Q For ovarian cancer.</p> <p>3 MS. AHERN: Objection. Form. Is there a question?</p> <p>4 MR. DEARING: Yes.</p> <p>5 THE WITNESS: Oh, you were asking me to comment on</p> <p>6 that?</p> <p>7 MR. DEARING: Let me ask it again.</p> <p>8 MS. AHERN: Actually, let him ask you a question</p> <p>9 first.</p> <p>10 THE WITNESS: Sorry. Yeah, I thought you were</p> <p>11 telling me.</p> <p>12 BY MR. DEARING:</p> <p>13 Q I did, and then I put a question mark on the</p> <p>14 end.</p> <p>15 So do you agree with me that the fourth</p> <p>16 edition identifies talc as a risk factor for ovarian</p> <p>17 cancer?</p> <p>18 A Well, again, I don't have the book, but I'd</p> <p>19 like to see what I said.</p> <p>20 Q You don't recall?</p> <p>21 A I don't remember. The fourth edition goes</p> <p>22 back a few years.</p> <p>23 Q Each of your Blaustein's has a chapter on risk</p> <p>24 factors for ovarian cancer.</p> <p>25 What are risk factors?</p>	<p style="text-align: right;">Page 261</p> <p>1 of a negative risk factor would be the use of birth</p> <p>2 control pills.</p> <p>3 Q By "negative," you mean a protective factor?</p> <p>4 A Protective factor, right.</p> <p>5 Q One of the statements you make in your report</p> <p>6 is that you mention talc pleurodesis, and I was just</p> <p>7 looking to try to find it and I don't see it. But I</p> <p>8 think you will recognize the statement. It said:</p> <p>9 "Further, if the consequence of</p> <p>10 talc and asbestos exposure were similar,</p> <p>11 one would expect to find cancer arising</p> <p>12 in patients who underwent talc</p> <p>13 pleurodesis."</p> <p>14 Remember, that was when you were criticizing</p> <p>15 her use of analogy of talc and asbestos and high-grade</p> <p>16 serous carcinoma and mesothelioma in the beginning.</p> <p>17 A Yes.</p> <p>18 Q My question is: Would you agree with me that</p> <p>19 talc pleurodesis is typically used to treat malignant</p> <p>20 pleural effusion and, more often, it's used in</p> <p>21 end-stage disease?</p> <p>22 MS. AHERN: Object to the form.</p> <p>23 THE WITNESS: Well, it's also treated in benign</p> <p>24 disease. It is also used in benign diseases.</p> <p>25 ///</p>

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<p>1 BY MR. DEARING:</p> <p>2 Q I understand. But the overwhelming majority</p> <p>3 of pleurodesis procedures are used in malignant</p> <p>4 end-stage diseases?</p> <p>5 MS. AHERN: Objection. Form.</p> <p>6 THE WITNESS: It is certainly used in malignant</p> <p>7 conditions, but I don't know about the overwhelming</p> <p>8 majority of them.</p> <p>9 BY MR. DEARING:</p> <p>10 Q Would you agree that the pleurodesis patients</p> <p>11 who are getting pleurodesis because of an end-stage</p> <p>12 malignancy typically don't live long enough to study</p> <p>13 the long-term effects of the talc pleurodesis on them?</p> <p>14 A That's probably true.</p> <p>15 Q And also the talc used in talc pleurodesis is</p> <p>16 a different grade of purity than the talc used in body</p> <p>17 powders; right?</p> <p>18 MS. AHERN: Objection. Form.</p> <p>19 THE WITNESS: Again, I wasn't going to get into the</p> <p>20 issue of how much is in there and what the purity is</p> <p>21 and all that. I defer to a mineralogist.</p> <p>22 BY MR. DEARING:</p> <p>23 Q And, typically, a pleurodesis procedure is</p> <p>24 a -- is a one-time administration of a heavy volume of</p> <p>25 talc as opposed to a slow trickle of chronic exposure;</p>	<p>1 (The document referenced below was</p> <p>2 marked Deposition Exhibit 10 for</p> <p>3 identification and is appended hereto.)</p> <p>4 BY MR. DEARING:</p> <p>5 Q This is publication in the ATS -- in the</p> <p>6 American Journal of Respiratory and Critical Care</p> <p>7 Medicine by Dr. Ghio and Victor Roggli.</p> <p>8 Do you know Dr. Roggli?</p> <p>9 A No, I don't.</p> <p>10 Q Well, Dr. Roggli is a pathologist and</p> <p>11 microscopist who has spent a career studying asbestos</p> <p>12 and mesothelioma and particularly quantifying asbestos</p> <p>13 burden in lung tissue.</p> <p>14 Does that sound familiar? You haven't heard</p> <p>15 about him?</p> <p>16 A I don't know him, no.</p> <p>17 Q Okay. Well, do you agree with me that the</p> <p>18 next-to-the-last sentence -- I'm sorry, I -- mean the</p> <p>19 last sentence of the first paragraph reads -- well, the</p> <p>20 title -- the title of this paper is "Talc Should Not Be</p> <p>21 Used for Pleurodesis in Patients with Nonmalignant</p> <p>22 Pleural Effusions." And Drs. Ghio and Roggli state</p> <p>23 that:</p> <p>24 "This dilemma results from a</p> <p>25 possible increased risk of malignant</p>
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<p>1 right?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: Heavy volume, yes. A lot it is put</p> <p>4 in there.</p> <p>5 BY MR. DEARING:</p> <p>6 Q It's actually talc slurry that's introduced</p> <p>7 into the pleural cavity; right?</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: Yes, that's correct.</p> <p>10 BY MR. DEARING:</p> <p>11 Q Do you agree with me that there are scientists</p> <p>12 and physicians that advise against using talc for</p> <p>13 pleurodesis with patients with nonmalignant pleural</p> <p>14 effusions?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: I've read that there's a controversy,</p> <p>17 some saying it shouldn't be done and some say it's no</p> <p>18 problem.</p> <p>19 BY MR. DEARING:</p> <p>20 Q You think that the split is about 50-50, those</p> <p>21 in favor and those who warn against it?</p> <p>22 A Can't tell. I don't know what the split is.</p> <p>23 Q I brought one with me. Since I brought it, I</p> <p>24 might as well show it to you. Right? Actually, I</p> <p>25 brought two with me.</p>	<p>1 mesothelioma in those patients treated</p> <p>2 with talc. Consequently, an alternative</p> <p>3 agent should be employed in any</p> <p>4 additional" -- I'm sorry -- "in any</p> <p>5 individual without malignancy requiring</p> <p>6 pleurodesis."</p> <p>7 Then he also cites a reference of case reports</p> <p>8 of malignant mesothelioma after occupational exposure</p> <p>9 to talc would suggest a possible -- a potential</p> <p>10 association.</p> <p>11 So do you agree with me that, at least</p> <p>12 according to this paper, Drs. Ghio and Dr. Roggli</p> <p>13 advise against using talc for pleurodesis in patients</p> <p>14 with nonmalignant plural effusions?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: Well, that's what they say. They do</p> <p>17 say that the dilemma is -- in this last two sentences</p> <p>18 above the first paragraph, they say the dilemma about</p> <p>19 using it for nonmalignant pleural effusions results</p> <p>20 from a possible increased risk of malignant</p> <p>21 mesothelioma in those patients treated with talc.</p> <p>22 BY MR. DEARING:</p> <p>23 Q Right. In other words --</p> <p>24 A Possible.</p> <p>25 Q Right. So he is saying there's a possibility</p>

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<p>1 that talc could cause lung cancers; right?</p> <p>2 A Mesotheliomas. I'm sorry. Malignant</p> <p>3 mesothelioma. We should distinguish carcinoma from</p> <p>4 mesothelioma.</p> <p>5 Q All right.</p> <p>6 A He says that at the end. And I do believe --</p> <p>7 I think -- I'd have to double-check, but I think there</p> <p>8 was a letter to the editor from someone who had written</p> <p>9 extensively on pleurodesis who said -- oh, it's Light.</p> <p>10 Yeah, Light. References Number 2, Light, RW.</p> <p>11 Do you see that one --</p> <p>12 Q Yes.</p> <p>13 A -- in his list of references?</p> <p>14 Well, there's a letter to the editor by Light</p> <p>15 who says I don't agree with that, that they shouldn't</p> <p>16 be using talc for pleurodesis in patients with</p> <p>17 malignant conditions -- nonmalignant conditions because</p> <p>18 there's never been a reported case of mesothelioma in</p> <p>19 patients with benign diseases treated with pleurodesis.</p> <p>20 Q Light --</p> <p>21 A And Light has written a lot of that as well.</p> <p>22 Q Right. Doesn't his paper say talc should not</p> <p>23 be used for pleurodesis in that cite?</p> <p>24 A No, I thought he --</p> <p>25 Q Look at Light cite Number 2.</p>	<p>1 A First paragraph. Okay.</p> <p>2 Q Second sentence.</p> <p>3 A Second sentence. Okay. "She has produced a</p> <p>4 lengthy report"?</p> <p>5 Q I'm sorry. Third sentence. "Dr. Kane opines</p> <p>6 that" --</p> <p>7 A "That" -- okay.</p> <p>8 Q -- "genital talcum powder exposure can cause</p> <p>9 ovarian cancer based on her evaluation of</p> <p>10 epidemiological, pathological, biological, and</p> <p>11 mechanistic evidence."</p> <p>12 Is it your testimony that there is no</p> <p>13 pathological, biological, and mechanistic evidence to</p> <p>14 support the assertion that talc exposure can cause</p> <p>15 ovarian cancer?</p> <p>16 MS. AHERN: Objection. Form.</p> <p>17 THE WITNESS: That's correct. I haven't seen that</p> <p>18 evidence.</p> <p>19 BY MR. DEARING:</p> <p>20 Q Further down in the third paragraph, about</p> <p>21 halfway, it says:</p> <p>22 "Dr. Kane does not identify any</p> <p>23 studies linking the use of talc-based</p> <p>24 body powders to the known genetic</p> <p>25 alterations associated with the various</p>
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<p>1 A I think maybe it's an issue, but he -- and</p> <p>2 very specifically -- did we -- I thought I put that in</p> <p>3 there. I'd have -- I'd have to look for the reference.</p> <p>4 Q Okay.</p> <p>5 A But I definitely remember a letter to the</p> <p>6 editor responding to this saying I have never seen it;</p> <p>7 it's never been reported in the literature; so I would</p> <p>8 disagree with the fact that it shouldn't -- that</p> <p>9 pleurodesis with talc should not be used. I'll be able</p> <p>10 to find it.</p> <p>11 Q You also have a section in your report about</p> <p>12 precursor lesions. Here it is, page 6.</p> <p>13 A Page 6 of my report.</p> <p>14 Q Right. I'm sorry. If would you turn to</p> <p>15 page 12.</p> <p>16 A 12.</p> <p>17 Q 12.</p> <p>18 A Okay.</p> <p>19 Q In the first paragraph, second sentence, you</p> <p>20 state, "Dr. Kane opines that genital talcum powder</p> <p>21 exposure can cause ovarian cancer based on her</p> <p>22 evaluation of epidemiological" --</p> <p>23 A Wait, wait, wait. You said the second</p> <p>24 paragraph.</p> <p>25 Q I'm sorry. The first paragraph.</p>	<p>1 histologic subtypes of ovarian cancer.</p> <p>2 And, indeed, I am aware of no such</p> <p>3 studies."</p> <p>4 Would you agree me that many of the</p> <p>5 epidemiologic studies do assess or analyze the data or</p> <p>6 divide the data based on exposure and different</p> <p>7 histological subtypes of ovarian cancer?</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: They do, and they're pretty</p> <p>10 inconsistent, yes.</p> <p>11 BY MR. DEARING:</p> <p>12 Q And when you say "I'm aware of no such</p> <p>13 studies," are you referring to studies that demonstrate</p> <p>14 genetic alterations of cells exposed to talc?</p> <p>15 MS. AHERN: Objection. Form.</p> <p>16 THE WITNESS: I'm saying that there are certain</p> <p>17 genetic alterations that are involved with the -- with</p> <p>18 carcinogenesis of the different types -- high-grade</p> <p>19 serous, low-grade and endometrial clear cell -- and I'm</p> <p>20 not aware of any studies and she did not -- and</p> <p>21 Dr. Kane didn't mention them either -- linking talc</p> <p>22 powders to inducing those genetic alterations.</p> <p>23 (The document referenced below was</p> <p>24 marked Deposition Exhibit 11 for</p> <p>25 identification and is appended hereto.)</p>

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<p style="text-align: right;">Page 270</p> <p>1 BY MR. DEARING:</p> <p>2 Q I'm showing what is marked as Exhibit</p> <p>3 Number 11, and this is a study by Drs. Fletcher,</p> <p>4 Harper, Memaj, Fan, Morris, and Saed. I don't believe</p> <p>5 this study was identified in either of your reference</p> <p>6 lists.</p> <p>7 Do you know if you've ever seen this study?</p> <p>8 A No, I don't remember seeing this study.</p> <p>9 Q Well, title of this study is "Molecular Basis</p> <p>10 Supporting the Association of Talcum Powder Use with</p> <p>11 Increased Risk of Ovarian Cancer."</p> <p>12 A Yes.</p> <p>13 Q If you would, take a minute and look at the</p> <p>14 abstract. The last sentence of the abstract reads:</p> <p>15 "These findings are the first to</p> <p>16 confirm the cellular effect of talc and</p> <p>17 provide a molecular mechanism to</p> <p>18 previous reports linking genital talc</p> <p>19 use to increased ovarian cancer risk."</p> <p>20 A I was sort of reading the rest of the</p> <p>21 abstract. Let me go over it.</p> <p>22 Okay. I'm sorry, what was your question?</p> <p>23 Q Well, having read the abstract, do you feel</p> <p>24 like you have a good handle on the general topic of</p> <p>25 this study?</p>	<p style="text-align: right;">Page 272</p> <p>1 MS. AHERN: Objection. Form.</p> <p>2 BY MR. DEARING:</p> <p>3 Q For example, cigarette smoke can cause several</p> <p>4 times of cancer; right?</p> <p>5 MS. AHERN: Objection. Form.</p> <p>6 THE WITNESS: Lung cancer, sure. Yeah. What else?</p> <p>7 BY MR. DEARING:</p> <p>8 Q It can cause -- it has been linked to liver</p> <p>9 cancer; right?</p> <p>10 A I'm not familiar with that.</p> <p>11 Q Well, asbestos can cause mesothelioma and it</p> <p>12 can cause lung cancer; right?</p> <p>13 A It's usually not a significant cause of lung</p> <p>14 cancer. It's a contributing factor to people who are</p> <p>15 smokers.</p> <p>16 Q Asbestos is?</p> <p>17 A Yeah.</p> <p>18 Q Okay. Well, I know it usually causes</p> <p>19 mesothelioma, but asbestos can cause lung cancer;</p> <p>20 right?</p> <p>21 MS. AHERN: Objection. Form. Asked and answered.</p> <p>22 THE WITNESS: I think it's pretty rare. I think</p> <p>23 it's mostly, as I said, predominantly lung cancer and</p> <p>24 these -- they can add another factor to it, asbestos,</p> <p>25 what I've read about it, because I'm not an expert in</p>
<p style="text-align: right;">Page 271</p> <p>1 A Not at all.</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 BY MR. DEARING:</p> <p>4 Q Not at all?</p> <p>5 A No. I'd like to see the materials and</p> <p>6 methods. I'd like that see what they were actually</p> <p>7 studying. I was looking for that. I couldn't see</p> <p>8 that.</p> <p>9 Q You know, if you're not familiar with it,</p> <p>10 let's move on.</p> <p>11 A I'm not.</p> <p>12 Q I want to ask you what you're familiar with.</p> <p>13 I might come back to it if I have time for it.</p> <p>14 A Okay.</p> <p>15 Q Back to page 12.</p> <p>16 A Yes.</p> <p>17 Q Middle paragraph, last two sentences, you</p> <p>18 state:</p> <p>19 "Further, it is unlikely that</p> <p>20 exposure to a single agent, i.e., talc,</p> <p>21 could result in the development of such</p> <p>22 distinctly different neoplasms."</p> <p>23 My question is there are examples where a</p> <p>24 single etiologic agent can cause more than one type of</p> <p>25 cancer; right?</p>	<p style="text-align: right;">Page 273</p> <p>1 cigarette smoking and lung cancer.</p> <p>2 BY MR. DEARING:</p> <p>3 Q On page 20 you have a subheading "Detection of</p> <p>4 Talc in Ovarian Tissue."</p> <p>5 A I see it.</p> <p>6 Q And this appears to be a criticism of</p> <p>7 Dr. Kane's recitation of the evidence that talc has</p> <p>8 been observed in ovarian tissue and other gynecologic</p> <p>9 tissue.</p> <p>10 Is that an accurate summary?</p> <p>11 A Yes, uh-huh.</p> <p>12 Q Are you saying that that's just not true, that</p> <p>13 talc has not been observed in gynecologic tissue?</p> <p>14 A No. I think in my second sentence, I say,</p> <p>15 "She then acknowledges that the presence of talc</p> <p>16 particles found in ovarian cancer tissue does not prove</p> <p>17 that the talc played a causal role yet argues it is</p> <p>18 'consistent with causation and provides additional</p> <p>19 evidence in support after causal relationship,'" which</p> <p>20 is -- the whole sentence doesn't make sense to me.</p> <p>21 Q Okay. I just want to be clear. You're not</p> <p>22 taking exception to the fact that she's acknowledging</p> <p>23 that scientists have observed talc particles in ovarian</p> <p>24 tissue and other gynecologic tissue?</p> <p>25 A Well, in ovarian tissue, for sure.</p>

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<p style="text-align: right;">Page 274</p> <p>1 Q Are you saying the presence of talc in ovarian 2 tissue has no relevance to the issue of inflammation or 3 ovarian cancer? 4 A I'm saying it's not evidence that it's causing 5 ovarian cancer. 6 Q So you -- have you seen studies that identify 7 talc in ovarian tissue? 8 A Yes. 9 Q And in those same studies, did they identify a 10 granulomatous or giant cell response to the talc? 11 A Actually, no. That's the Heller article where 12 she sees it, but she specifically says she doesn't see 13 foreign-body giant cell reaction. 14 Q Can you reconcile that inconsistency if you 15 think that's how the body should respond to talc? 16 A Well, I think -- reconcile it is that I don't 17 think the talc is there having any biologic function or 18 is really in the tissue. It's a contaminant, and 19 that's why it didn't produce a biologic reaction. 20 Q Is it your opinion that all of the studies 21 that claim to recognize or identify talc in ovarian 22 tissue are what -- are really identifying 23 contamination? 24 A I think it's a significant issue. I can't 25 tell you all of them or not.</p>	<p style="text-align: right;">Page 276</p> <p>1 I want to ask you a question about it. I know that's 2 your position. 3 A Yeah. 4 Q Are you aware that there are many studies that 5 conclude that talc particles can, in fact, migrate from 6 the perineum to the ovaries? 7 MS. AHERN: Objection. Form. 8 THE WITNESS: From the perineum? 9 MR. DEARING: Yes. 10 THE WITNESS: No, I'm not aware of those. 11 BY MR. DEARING: 12 Q Are you aware that the 2007 study by 13 Dr. Cramer states that the presence of talc in lymph 14 nodes provides evidence that talc used externally is 15 capable of migrating into the pelvis? 16 MS. AHERN: Objection. Form. 17 THE WITNESS: Could -- do you have that paper, by 18 the way? 19 BY MR. DEARING: 20 Q I don't. 21 A I'd like to see the paper because I think 22 there are issues in there that are important to point 23 out. 24 Q Okay. The one paper I did bring that I 25 already showed you was McDonald's 2019 paper.</p>
<p style="text-align: right;">Page 275</p> <p>1 Q The fact is there's not a single study that 2 identifies talc particles in ovarian tissue that 3 recognizes a granulomatous giant cell response to it; 4 right? 5 MS. AHERN: Objection. Form. 6 THE WITNESS: As far as I know, that's correct. 7 BY MR. DEARING: 8 Q The next section of your report is entitled 9 "Migration of Talc to the Ovaries." 10 A Okay. 11 Q And I asked you earlier today if you thought 12 talc could migrate from the perineum to the ovaries and 13 you said absolutely not. 14 Is that still your position? 15 A Yes. I don't think it can migrate from the 16 perineum. 17 Q Specifically what you say is -- you say that 18 Dr. Kane's opinion that talcum powder applied to the 19 external perineum can migrate to the ovaries is 20 unsupported by and contrary to the current data and 21 understanding of ovarian cancer pathology. 22 A Where were you reading that? I'm sorry. I 23 know I said that, but can you see that -- show me that 24 exactly. 25 Q No, not without reading the whole thing. But</p>	<p style="text-align: right;">Page 277</p> <p>1 A Right. 2 Q Remember? 3 A This is a totally different one. 4 Q Right. She said that -- said that the talc 5 migrated to pelvic lymph nodes from perineal 6 application. 7 A Yeah. I don't see how she came to that 8 conclusion. 9 So, first of all, the 2007 study -- let me 10 make sure this is the correct. 2007. 11 Q The one I'm referring to is the pelvic lymph 12 node study. 13 A "Presence of talc in pelvic lymph nodes of a 14 woman with ovarian cancer and long-term genital 15 exposure to cosmetic talc." 16 Q Okay. 17 A Right. The first thing is that it's a case 18 report -- 19 Q Sure. 20 A -- which doesn't really tell you a lot in 21 terms of scientific evidence. This is just any case, 22 any case report. 23 Q A case where talc migrated to that lady's 24 ovaries from the perineum; right? 25 MS. AHERN: Objection. Form.</p>

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<p>1 THE WITNESS: Where does it say anything about it</p> <p>2 coming from the perineum? I didn't see that. It could</p> <p>3 have come from inhalation. I mean, I can tell you,</p> <p>4 coming from the peritoneum and going to a lymph node</p> <p>5 sounds totally against any method of lymphatic</p> <p>6 drainage.</p> <p>7 BY MR. DEARING:</p> <p>8 Q Do you believe --</p> <p>9 A Makes no sense.</p> <p>10 Q Do you believe that inhalation of talc can</p> <p>11 result in the deposition of talc particles on ovarian</p> <p>12 tissue?</p> <p>13 A It hasn't been demonstrated that I'm aware of.</p> <p>14 It has been talked about.</p> <p>15 Q You just said it could have come from</p> <p>16 inhalation.</p> <p>17 A Yeah. And I'm saying maybe that's how it came</p> <p>18 from, but there's no definite proof. But I don't think</p> <p>19 it --</p> <p>20 MS. AHERN: I think it is in your report. You</p> <p>21 cited it; right?</p> <p>22 THE WITNESS: Case report.</p> <p>23 BY MR. DEARING:</p> <p>24 Q Well, let me ask you about the two cases that</p> <p>25 you cite --</p>	<p>1 BY MR. DEARING:</p> <p>2 Q And this is a paper that you cite for support</p> <p>3 that talc cannot migrate from the perineum to the</p> <p>4 ovaries; right?</p> <p>5 A I'd have to see my report where we say that.</p> <p>6 I see that we -- we're referring to Venter and Egli and</p> <p>7 then we go to Wehner. Yes.</p> <p>8 Q At the top of page --</p> <p>9 A Wehner and Boorman. This is Wehner and</p> <p>10 Wehner.</p> <p>11 Q At the top of page 22, you say "notably</p> <p>12 Dr. Kane omits" and you mention the Wehner 1985 and</p> <p>13 Boorman 1995.</p> <p>14 A Right.</p> <p>15 Q "Wehner examined talc migration in</p> <p>16 monkeys, receiving repeated</p> <p>17 introductions of talc to the upper</p> <p>18 vagina over a period of 45 days.</p> <p>19 A Right.</p> <p>20 Q Right?</p> <p>21 A "No talc particles were found in the uterus or</p> <p>22 tubes."</p> <p>23 Q Right.</p> <p>24 A Yes. So they didn't find talc.</p> <p>25 Q So what's important I want to point out about</p>
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<p>1 A Okay.</p> <p>2 Q -- to support your opinion.</p> <p>3 A Okay. Sure. I can't find it.</p> <p>4 Q One of them was the Wehner study. Do you</p> <p>5 remember the title is "On Talc Translocation from the</p> <p>6 Vagina to the Oviducts and Beyond," Alfred Wehner. I</p> <p>7 have a copy of it here if you would like.</p> <p>8 A Yeah. It would be nice to see the paper so I</p> <p>9 can --</p> <p>10 Q I thought you'd say that.</p> <p>11 (The document referenced below was</p> <p>12 marked Deposition Exhibit 12 for</p> <p>13 identification and is appended hereto.)</p> <p>14 BY MR. DEARING:</p> <p>15 Q This is Exhibit 12. This is a paper entitled</p> <p>16 "On Talc Translocation from the Vagina to the Oviducts</p> <p>17 and Beyond."</p> <p>18 A Okay.</p> <p>19 Q It is by Alfred Wehner and Dr. R.E. Weller;</p> <p>20 right?</p> <p>21 A Okay.</p> <p>22 MS. AHERN: I'm sorry. Do you have --</p> <p>23 MR. DEARING: Oh, you need a copy.</p> <p>24 MS. AHERN: Thank you.</p> <p>25 ///</p>	<p>1 the study is there were six monkeys studied over a</p> <p>2 45-day period with only 30 applications of talc; right?</p> <p>3 That's in the abstract. That's also in the body, but</p> <p>4 it is easier to find in the abstract.</p> <p>5 MS. AHERN: Objection. Form.</p> <p>6 THE WITNESS: Six monkeys received 30 applications.</p> <p>7 Yeah.</p> <p>8 BY MR. DEARING:</p> <p>9 Q And each of those six monkeys were at</p> <p>10 different menstrual cycle places; right?</p> <p>11 MS. AHERN: Objection. Form.</p> <p>12 THE WITNESS: Don't know that -- where it says</p> <p>13 that.</p> <p>14 BY MR. DEARING:</p> <p>15 Q The point is 30 applications over 45 days</p> <p>16 doesn't replicate long-term human genital talc use,</p> <p>17 does it?</p> <p>18 A No, not at all. So you're suggesting that</p> <p>19 negative finding supports what?</p> <p>20 Q No. I'm suggesting that your citing this</p> <p>21 study for the proposition that talc cannot migrate from</p> <p>22 the perineum to the ovaries in a human is misplaced --</p> <p>23 MS. AHERN: Objection. Form.</p> <p>24 BY MR. DEARING:</p> <p>25 Q -- because they're not the same thing.</p>

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<p style="text-align: right;">Page 282</p> <p>1 A But the point is to try to demonstrate, from 2 your standpoint, that it does get there. And there's 3 no study that shows that. I mean, you're supporting a 4 negative, which, to me, is nothing -- is not really 5 relevant. You want to support a positive. 6 Q You would agree with me that the cynomolgus 7 monkeys don't menstruate the way humans do; right? 8 A Oh, I don't know about that. 9 Q They do menstruate, but it's a different 10 process. 11 A I don't know why it's different. 12 MS. AHERN: Objection. Form. 13 THE WITNESS: I don't know. 14 BY MR. DEARING: 15 Q Do you know whether these cynomolgus monkeys 16 experience retrograde menstruation? 17 A No idea. 18 Q Right. Also, did you know that, at the time 19 of this study, Alfred Wehner was a paid consultant for 20 Johnson & Johnson? 21 A No. 22 Q You also cite the Boorman study for the 23 proposition that talc cannot migrate from the perineum 24 to the ovaries in humans. 25 And, of course, this is a rat study; right?</p>	<p style="text-align: right;">Page 284</p> <p>1 genital talc use cannot -- that talc cannot migrate 2 from the perineum to the ovaries? 3 MS. AHERN: Objection. Form. 4 THE WITNESS: I think it's just supportive of the 5 studies that she quoted that says it does. 6 BY MR. DEARING: 7 Q Well, you criticized her study. 8 A Right. 9 Q So if it was just supportive, that means it's 10 not supportive at all; right? 11 MS. AHERN: Objection. Form. 12 THE WITNESS: So they're both not supportive. 13 BY MR. DEARING: 14 Q Okay. Fair enough. 15 In fact, the authors practically say that in 16 this study; right? 17 If you look at the last sentence of this 18 one-page report, it says, "In the extrapolation of 19 these data, one should consider limitations relative to 20 the marked anatomical and physiological differences 21 between rodents and humans; right?" 22 Do you see that last sentence? 23 A I'm sorry. I was looking at something else. 24 Q It's the last sentence of this paper. 25 A This Boorman paper?</p>
<p style="text-align: right;">Page 283</p> <p>1 MS. AHERN: Objection. Form. 2 BY MR. DEARING: 3 Q Rats and mice. Yes? 4 MS. AHERN: Same objection. 5 THE WITNESS: That's right. 6 (The document referenced below was 7 marked Deposition Exhibit 13 for 8 identification and is appended hereto.) 9 BY MR. DEARING: 10 Q In fact, it's a one-page rat study. Here it 11 is, if you'd like to refer to it. 12 Is this the study you were referencing to 13 support your proposition that talc can't migrate from 14 the perineum to the ovaries in humans? 15 MS. AHERN: Objection. Form. 16 THE WITNESS: Let me see. Boorman, Seely. Yes, 17 this looks like the study, 1995. Yes. 18 BY MR. DEARING: 19 Q Actually, you criticized Dr. Kane for not 20 mentioning the Boorman study; right? 21 You say, "Notably, Dr. Kane omits any mention 22 of Wehner of 1985 and Boorman 1991." 23 A Right. 24 Q And you think that this study, this Boorman 25 one-page rat study, supports the proposition that</p>	<p style="text-align: right;">Page 285</p> <p>1 Q Uh-huh. 2 A "In the extrapolation of these data, one 3 should consider limitations relative to the marked 4 anatomical and physiological differences between 5 rodents and humans." 6 Q Right. So the Boorman paper doesn't really 7 tell you much about whether talc can migrate to the 8 perineum -- from the perineum to the ovaries in humans; 9 right? 10 A That's correct. Interestingly, by the way, in 11 the earlier comment I made about the Cramer 2007 study, 12 I found the sentence -- I'd have to look it up in the 13 paper, but I say, "I note that Cramer 2007," which is 14 the study that we're talking about, "which Kane relies 15 on for a migration opinion, stated that 'there is no 16 proof that talc used externally reaches the pelvis.'" 17 Q Right. That's the -- that's the 2007 pelvic 18 lymph node study. 19 A Yes. 20 Q Right. 21 A The one we were talking about just a few 22 minutes ago. 23 Q Right. And the one I showed you earlier by 24 Dr. McDonald is a follow-up to that study, right, the 25 one that's Exhibit 6?</p>

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<p>1 A The one that was just published in -- when was</p> <p>2 it?</p> <p>3 Q This one was published this year.</p> <p>4 A 2007, that was published. Okay.</p> <p>5 Q This is the follow-up to that study; right?</p> <p>6 MS. AHERN: Objection. Form.</p> <p>7 BY MR. DEARING:</p> <p>8 Q Well, if you would, go back to Exhibit 6.</p> <p>9 A What's Exhibit 6?</p> <p>10 Q It's the follow-up to the lymph node study.</p> <p>11 It's entitled "Correlative Polarizing Light and</p> <p>12 Scanning" --</p> <p>13 A Sandra McDonald.</p> <p>14 Q Right.</p> <p>15 A Since I haven't read that study, I'd like to</p> <p>16 read it more carefully, because they don't describe how</p> <p>17 they -- how they -- what tissues they examined, how</p> <p>18 these patients were possibly exposed to talc.</p> <p>19 Q They do explain all that.</p> <p>20 A Where is it?</p> <p>21 Q Well, I tell you what. Let's go off the</p> <p>22 record, and you can take all the time you want to read</p> <p>23 it and we can talk about it.</p> <p>24 A Okay.</p> <p>25 VIDEO OPERATOR BROWN: The time is now 5:02. Going</p>	<p>1 digestion of tissue taken from paraffin</p> <p>2 blocks in scanning electron microscopy</p> <p>3 with energy-dispersive x-ray analysis.</p> <p>4 Talc particles correlated significantly</p> <p>5 with surface contamination assessments</p> <p>6 using polarized light microscopy. After</p> <p>7 adjusting for surface contamination,</p> <p>8 talc burdens in nodes correlated</p> <p>9 strongly with perineal talc use.</p> <p>10 "In a" -- let me just -- "In a</p> <p>11 separate group of lymph nodes,</p> <p>12 birefringent particles within the same</p> <p>13 plane of focus as the tissues in the</p> <p>14 histological sections were highly</p> <p>15 correlated with talc particles within</p> <p>16 the tissue by in situ, SEM-EDX. We</p> <p>17 conclude that since talc can be a</p> <p>18 surface contaminant from tissue</p> <p>19 collection/preparation, digestion</p> <p>20 measurements may be influenced by</p> <p>21 contamination. Instead, because they</p> <p>22 preserve anatomic landmarks and permit</p> <p>23 identification of particles and cells in</p> <p>24 tissues, polarized light microscopy and</p> <p>25 in situ SEM-EDX are recommended to</p>
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<p>1 off the record.</p> <p>2 (Recess taken.)</p> <p>3 VIDEO OPERATOR BROWN: The time is now 5:22. Back</p> <p>4 on the record.</p> <p>5 BY MR. DEARING:</p> <p>6 Q Doctor, have you now had an opportunity to</p> <p>7 read this study entitled "Correlative Polarizing Light</p> <p>8 and Scanning Electron Microscopy for the Assessment of</p> <p>9 Talc in Pelvic Region Lymph Nodes"?</p> <p>10 A I have.</p> <p>11 Q In the abstract, it sets out sort of the</p> <p>12 purpose and the methodology of this study. And it says</p> <p>13 that:</p> <p>14 "Perineal talc use is associated</p> <p>15 with ovarian carcinoma in many</p> <p>16 case-controlled studies. Such talc may</p> <p>17 migrate to pelvic organs and regional</p> <p>18 lymph nodes with both clinical and legal</p> <p>19 significance. Our goal was to</p> <p>20 differentiate talc in pelvic lymph nodes</p> <p>21 due to exposure versus contamination</p> <p>22 with talc in the laboratory. We studied</p> <p>23 22 lymph nodes from ovarian tumor</p> <p>24 patients, some of which had documented</p> <p>25 talc exposure, to quantify talc using</p>	<p>1 assess talc in lymph nodes."</p> <p>2 Do you agree that that's an accurate summary</p> <p>3 of this study?</p> <p>4 MS. AHERN: Objection. Form.</p> <p>5 THE WITNESS: Pretty much.</p> <p>6 BY MR. DEARING:</p> <p>7 Q So one of the things we were talking about</p> <p>8 before we went off the record so you could read this</p> <p>9 study was that you said you weren't sure about the</p> <p>10 exposure of the patients in this study.</p> <p>11 And if you would turn to page 2 at the top, it</p> <p>12 says:</p> <p>13 "One exposure of great current</p> <p>14 medical, public health, and medicolegal</p> <p>15 importance is the association of ovarian</p> <p>16 cancers with the use of talc cosmetic</p> <p>17 products in the genital area. Data</p> <p>18 related to this association come from</p> <p>19 epidemiologic studies which identified a</p> <p>20 clear excess of women with ovarian</p> <p>21 malignancy who had used talc in their</p> <p>22 genital area prior to developing cancer</p> <p>23 compared to control women."</p> <p>24 Do you agree with that last sentence of these</p> <p>25 six scientists that data related to this association</p>

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<p style="text-align: right;">Page 290</p> <p>1 come from epidemiologic studies which identified a</p> <p>2 clear excess of women with ovarian malignancy who had</p> <p>3 used talc in their genital area prior to developing</p> <p>4 cancer compared to the control women?</p> <p>5 A I'm not sure what they mean by "clear."</p> <p>6 Q So you don't know how to interpret that</p> <p>7 sentence at all?</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: I mean, there have been epidemiologic</p> <p>10 studies that have demonstrated an association between</p> <p>11 talc usage and ovarian cancer. I don't argue that.</p> <p>12 BY MR. DEARING:</p> <p>13 Q And then he goes on to cite an epidemiological</p> <p>14 study two sentences farther down.</p> <p>15 "The most recent summary of the epidemiologic</p> <p>16 data in 2018" -- I guess at the time he was working --</p> <p>17 they were working on this paper -- "found that genital</p> <p>18 talc may increase the risk of ovarian carcinoma by</p> <p>19 about 30 percent."</p> <p>20 And then he's, of course, referring to the</p> <p>21 Penninkilampi study.</p> <p>22 A That's a relative risk, about 1.3 or</p> <p>23 something.</p> <p>24 Q Do you agree that the Penninkilampi shows a</p> <p>25 relative risk of 30 percent?</p>	<p style="text-align: right;">Page 292</p> <p>1 "A subset of authors from the</p> <p>2 present study have previously described</p> <p>3 a case report in which a woman with</p> <p>4 serous carcinoma of the ovary had a</p> <p>5 history of talc usage in her genital</p> <p>6 area, was demonstrated to have talc in</p> <p>7 three of four pelvic -- examined pelvic</p> <p>8 lymph nodes."</p> <p>9 So when we were talking about the exposure</p> <p>10 history in the 2007 Cramer case and you said "I don't</p> <p>11 know if she used perineal talc," you now do know that</p> <p>12 that was a perineal talc exposure; right?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: Well, she claims to have perineal</p> <p>15 talc exposure, and then these exposure -- and you find</p> <p>16 talc in the lymph nodes, but that does not directly</p> <p>17 prove that it got there through the female reproductive</p> <p>18 tract.</p> <p>19 BY MR. DEARING:</p> <p>20 Q But the only evidence of exposure in the 2007</p> <p>21 Cramer study is the statement by the patient that she</p> <p>22 used talc perineally; right?</p> <p>23 MS. AHERN: Objection to form.</p> <p>24 BY MR. DEARING:</p> <p>25 Q You're speculating about any other talc</p>
<p style="text-align: right;">Page 291</p> <p>1 MS. AHERN: Objection to form.</p> <p>2 THE WITNESS: Well, by 1.3, right. I just looked</p> <p>3 at the abstract on that study, by the way.</p> <p>4 BY MR. DEARING:</p> <p>5 Q Okay. He goes down to describe the Heller</p> <p>6 study in that same column. And that's a study that we</p> <p>7 briefly touched on earlier.</p> <p>8 A Uh-huh.</p> <p>9 Q But he says:</p> <p>10 "A study by Heller was done with</p> <p>11 digestion techniques followed by TEM" --</p> <p>12 that's transmission electron</p> <p>13 microscopy -- "on ovaries from 24 women</p> <p>14 having hysterectomy, oophorectomy, for</p> <p>15 reasons other than ovarian malignancy.</p> <p>16 The study found talc in approximately</p> <p>17 half the samples, with no obvious</p> <p>18 correlation with the genital talc use</p> <p>19 history, thereby suggesting to the</p> <p>20 authors that talc exposure may be</p> <p>21 relatively ubiquitous across the</p> <p>22 population."</p> <p>23 And then he talks about Dr. Cramer's and</p> <p>24 Godleski's 2007 case report that we were talking about</p> <p>25 prior to the break. He said:</p>	<p style="text-align: right;">Page 293</p> <p>1 exposure; right?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: Well, I can't -- yeah. I mean, it</p> <p>4 doesn't prove necessarily that -- passage through the</p> <p>5 female reproductive tract. It could have been inhaled.</p> <p>6 BY MR. DEARING:</p> <p>7 Q Next, it says in the next paragraph:</p> <p>8 "In the study reported here, we</p> <p>9 assess talc in a sizeable set of lymph</p> <p>10 nodes in the pelvic region representing</p> <p>11 multiple patients; thus, we expanded on</p> <p>12 the lymph node analysis in the previous</p> <p>13 case report" -- talking about the Cramer</p> <p>14 2007 report -- "as well as the study of</p> <p>15 nonmalignant ovaries by Heller, et al.,</p> <p>16 and we examined nodes in 22 patients</p> <p>17 with various types of ovarian tumors."</p> <p>18 So do you agree that this study is in part</p> <p>19 a -- an expansion of Dr. Cramer's 2007 -- Dr. Cramer's</p> <p>20 2007 case report and Dr. Heller's study?</p> <p>21 A It's a follow-up, yeah. Okay.</p> <p>22 Q Okay. And part of the study here is that they</p> <p>23 assessed -- in the next column at the top, they assess</p> <p>24 tissue surface contamination as a factor explaining the</p> <p>25 high talc burden in some cases as opposed to talc that</p>

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<p style="text-align: right;">Page 294</p> <p>1 migrated to the nodes from perineal exposure. 2 So, clearly, they are surmising or suggesting 3 that the talc found in the lymph nodes in this study 4 migrated to those lymph nodes from perineal exposure; 5 right? 6 MS. AHERN: Objection. Form. 7 THE WITNESS: Well, as I said, you can't -- you 8 can't -- that's a big jump. They don't show you -- I 9 mean, they're just saying she had perineal exposure. 10 Okay. And she has talc in these lymph nodes. 11 It doesn't mean that it went through the 12 vagina, the cervix, the uterus, the ovaries, and 13 somehow got into the lymph nodes. 14 BY MR. DEARING: 15 Q Well, these eight authors concluded that that 16 exposure, the perineal exposure, is what resulted in 17 the presence of talc in the lymph nodes; right? 18 MS. AHERN: Objection. Form. 19 THE WITNESS: They concluded that, but I don't see 20 why -- they didn't give the alternate explanation, that 21 it possibly got through inhalation. It makes more 22 sense to me than coming through the vagina or the 23 vulva -- from the vulva. 24 BY MR. DEARING: 25 Q Inhalation of talc particles depositing on</p>	<p style="text-align: right;">Page 296</p> <p>1 plausible. 2 BY MR. DEARING: 3 Q So something can be more likely, in your 4 mind -- 5 A Yeah. 6 Q -- without being biologically plausible? 7 A Right. 8 Q And, of course, one of the advantages of using 9 SEM-EDX, according to these eight scientists, is that 10 it allows you to observe the talc particle in situ -- 11 in other words, in the tissue -- not on the surface of 12 the tissue; right? 13 MS. AHERN: Objection. Form. 14 THE WITNESS: Well, I'm not an electron 15 microscopist, so I can't really comment on their 16 technology of avoiding contamination, which they, 17 frankly, acknowledge could be a significant problem. 18 So I'd have to depend on someone who is an 19 electron microscopist to really go over their 20 methodology and say, oh, yes, this really is purified. 21 I mean, cutting the section off the surface, I don't 22 think that necessarily excludes contamination. 23 But, again, I'm not an electron microscopist. 24 I think that needs to be evaluated by someone who is. 25 ///</p>
<p style="text-align: right;">Page 295</p> <p>1 ovarian tissue or pelvic lymph nodes is more plausible 2 to you than perineal application? 3 A Yes. 4 Q Are you saying that inhalation of talc 5 particles depositing on ovarian -- on ovaries or in 6 pelvic lymph nodes is a biologically plausible 7 mechanism of exposure? 8 MS. AHERN: Objection. Form. 9 THE WITNESS: Repeat that, please. 10 MR. DEARING: Sure. 11 BY MR. DEARING: 12 Q I believe you just said it was more likely, in 13 your opinion, that the talc particles observed in the 14 pelvic lymph nodes in this study got there through 15 inhalation and -- as opposed to perineal exposure and 16 migration. 17 My question is, by saying that, are you saying 18 that it's biologically plausible that you can -- that a 19 person can inhale talc and have those particles 20 deposited on ovarian tissue or pelvic lymph nodes? 21 MS. AHERN: Objection. Form. 22 THE WITNESS: I didn't say anything about 23 biologically plausible; I'm saying that I think it's 24 more likely -- it's hypothesis. And that needs to be 25 proven before it's accepted as being biologically</p>	<p style="text-align: right;">Page 297</p> <p>1 BY MR. DEARING: 2 Q Right. Well, at least three of these authors 3 are electron microscopists. So would you defer to them 4 when they say that SEM-EDX methodologies is the best 5 way to evaluate talc particles in situ or in tissue? 6 A No. 7 MS. AHERN: Objection. Form. 8 THE WITNESS: I would not defer to them. I would 9 think you need an independent -- I mean, it's the same 10 idea. It would have to be -- now, I realize the study 11 got published, but I still would like to have someone 12 else who's an electron microscopist to tell me to 13 review that paper and say, yes, that makes sense. I 14 can't do that. 15 BY MR. DEARING: 16 Q If there are three of the eight authors of 17 this study who are electron microscopists saying that, 18 why do you need more? 19 MS. AHERN: Objection. 20 THE WITNESS: It does -- I mean, they're -- I'm not 21 saying necessarily biased, but they want to prove a 22 case. So they're going to say, oh, yeah, this shows 23 it. 24 I'd like an independent review by someone who 25 is an electron microscopist who says yes, that's a</p>

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<p>1 reasonable way of doing it and avoids contamination.</p> <p>2 As I said, I'm not in a position to do that.</p> <p>3 BY MR. DEARING:</p> <p>4 Q Do you agree that the women studied in this</p> <p>5 publication who are in this study all claimed that they</p> <p>6 used talc for feminine hygiene?</p> <p>7 A No, I don't think they all did. I think there</p> <p>8 were some that said they were exposed, but I think</p> <p>9 others said they weren't.</p> <p>10 Q On page 3 at the top, the beginning of the</p> <p>11 first paragraph, it says "Talc is readily visible under</p> <p>12 polarizing light microscopy."</p> <p>13 A Yes.</p> <p>14 Q You agree with that; right?</p> <p>15 A Well, that's what they say, yeah.</p> <p>16 Q Well, you've --</p> <p>17 A Oh, yeah, generally speaking, yes. Yes.</p> <p>18 Q I mean, you understand how polarizing light</p> <p>19 microscopes work and how they will illuminate particles</p> <p>20 with birefringent properties?</p> <p>21 A I use it.</p> <p>22 Q And it also says that talc may be found as</p> <p>23 both plates and fibrous forms. And I believe you don't</p> <p>24 have an opinion about the fibrous forms; right?</p> <p>25 A Right.</p>	<p>1 are closed under normal conditions -- get through the</p> <p>2 vagina, get through the cervix -- which, most of the</p> <p>3 time, is closed to passage of bacteria, sperm, except</p> <p>4 at the time of the -- when women ovulate -- get through</p> <p>5 the uterus, get through the fallopian tubes, and get</p> <p>6 into the peritoneal cavity. I don't think that's</p> <p>7 possible. Unlike the lungs and the mouth, there's an</p> <p>8 open airway. That, to me, is more likely than going</p> <p>9 through that complicated route through the genital</p> <p>10 tract.</p> <p>11 Q Do you also recall reading in this study that</p> <p>12 these eight authors suggested, and might have proved,</p> <p>13 that one of the flaws in the Heller study was that the</p> <p>14 technique used for determining the fiber burden in the</p> <p>15 ovarian tissue of the women was transmission, EM, in</p> <p>16 which they digested the tissue and thereby brought in</p> <p>17 the surface contaminants that Dr. Godleski and McDonald</p> <p>18 and Cramer and Welch and everyone else says that you</p> <p>19 have to be careful to avoid?</p> <p>20 MS. AHERN: Is there a question? I'm sorry.</p> <p>21 MR. DEARING: Yeah.</p> <p>22 THE WITNESS: Yeah.</p> <p>23 MS. AHERN: Objection. Sorry.</p> <p>24 THE WITNESS: No, no. I think I'm getting --</p> <p>25 please repeat the question.</p>
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<p>1 Q And where the particles of fibers are brightly</p> <p>2 birefringent and often in the size range of 1 to 10</p> <p>3 microns. We've already discussed that?</p> <p>4 A Right.</p> <p>5 Q And then do you see at the bottom of page 3,</p> <p>6 right-hand side, next-to-the-last sentence, it states</p> <p>7 what the eight authors' position was with regard to</p> <p>8 exposure.</p> <p>9 It says "The birefringent particles present</p> <p>10 within lymph nodes were taken to indicate clinically</p> <p>11 significant talc that migrated there through the</p> <p>12 lymphatic system"; right?</p> <p>13 A That's what they say.</p> <p>14 MS. AHERN: Objection to form.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MR. DEARING:</p> <p>17 Q So we talked about migration through the</p> <p>18 genital tract. Do you have an opinion about whether</p> <p>19 perineal talc use can result in talc migration through</p> <p>20 the lymphatics to lymph nodes?</p> <p>21 A Well, in order to get to the lymphatics, they</p> <p>22 have to get into the peritoneal cavity. So, as I said</p> <p>23 before, I don't believe -- and this, to me -- and this</p> <p>24 study doesn't prove it either, that talc particles on</p> <p>25 the perineum can get through the labia majora -- which</p>	<p>1 MR. DEARING: Sure.</p> <p>2 BY MR. DEARING:</p> <p>3 Q So one of the things this study addresses is</p> <p>4 the Heller study. And it's a continuation of the</p> <p>5 Heller study. And they're offering an explanation for</p> <p>6 why the burden count for talc particles in the Heller</p> <p>7 study seems to be inconsistent across the board with</p> <p>8 women who acknowledge being exposed to talc and women</p> <p>9 who either didn't know or -- or denied using talc.</p> <p>10 A Correct.</p> <p>11 Q Okay. And what they say in this study is that</p> <p>12 the problem with the Heller study was they digested the</p> <p>13 tissue and then counted the fibers. And by digesting</p> <p>14 the tissue -- or particles, talc particles, by</p> <p>15 digesting the tissue, you necessarily bring in surface</p> <p>16 contaminants so that the particles that you're</p> <p>17 calculating or quantifying are just as likely to be</p> <p>18 surface contaminants as anything else; right?</p> <p>19 MS. AHERN: Objection. Form.</p> <p>20 THE WITNESS: That's what they claim.</p> <p>21 BY MR. DEARING:</p> <p>22 Q Do you have any disagreement with them, with</p> <p>23 that analysis of the Heller methodology?</p> <p>24 A I think --</p> <p>25 MS. AHERN: Objection to form.</p>

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<p style="text-align: right;">Page 302</p> <p>1 THE WITNESS: I think that that's -- could be 2 contamination, yes. That's what I said earlier. 3 BY MR. DEARING: 4 Q On page 11, they start summarizing their 5 findings on the right-hand column -- 6 A Hold it. Hold it. 7 Q I'm sorry. Page 13. 8 A Okay. 9 Q Right-hand column, three-quarters of the way 10 down, it says: 11 "In the long-studied and debated 12 association between talc exposure and 13 ovarian cancer, our study provides 14 additional evidence that talc may enter 15 pelvic tissues and ultimately be 16 detected and measured in regional lymph 17 nodes, and this relationship became 18 especially strong when clinical-use data 19 was considered and surface contamination 20 was corrected for statistically. This 21 adds perspective to the known migratory 22 capabilities and overall biological 23 role/impact of talc." 24 Do you agree with the statement that the 25 findings of this study provide additional evidence that</p>	<p style="text-align: right;">Page 304</p> <p>1 clinicians should consider broader inquiries with their 2 patients about talc usage when they're suffering from 3 ovarian cancer? 4 MS. AHERN: Objection. Form. 5 THE WITNESS: I'm not here to make recommendations 6 for how patients should be advised. 7 BY MR. DEARING: 8 Q Well, do you agree that, since there are 9 suggestions that pelvic lymph nodes may -- may gather 10 or store foreign particles that may have contributed to 11 cancer, to ovarian cancers, do you agree with the 12 statement here that pathologists may wish to consider 13 greater -- may wish to pay greater attention to sampled 14 regional lymph nodes? 15 MS. AHERN: Objection. Form. 16 THE WITNESS: There's no data in this study to say, 17 even if they were correct in saying that talc is in 18 lymph nodes, that it has any bearing on the development 19 of ovarian cancer. Nothing whatsoever. I've never 20 heard of development of ovarian cancer based on 21 material that's in lymph nodes. 22 BY MR. DEARING: 23 Q If that's true -- 24 A It's biologically not plausible to me. 25 Q If that's true, why do at least three of your</p>
<p style="text-align: right;">Page 303</p> <p>1 talc may enter the pelvic tissues and ultimately be 2 detected and measured in lymph nodes? 3 MS. AHERN: Objection. Form. 4 THE WITNESS: As I said a few minutes ago, I do not 5 have the technical expertise in electron microscopy to 6 critically evaluate the techniques that they claim 7 avoided the contamination issue. So I cannot, at this 8 point, agree with that. 9 BY MR. DEARING: 10 Q Dr. Cramer, who participated in this study, is 11 an OB/GYN; right? 12 A Yes. 13 Q So with regard to a practical application of 14 this study for an OB/GYN, the authors write: 15 "Our findings also suggest that in 16 patients with ovarian cancer, clinicians 17 may want to make broader inquiries into 18 the past and present use of talc by 19 their patients. Similarly, pathologists 20 may wish to pay greater attention to 21 sampled regional lymph nodes." 22 First of all, do you agree that, in light of 23 the studies, whether you agree with them or not, and in 24 light of the -- in light of the universe of studies 25 looking at talc and ovarian cancer, do you agree that</p>	<p style="text-align: right;">Page 305</p> <p>1 textbooks identify talc as a risk factor for ovarian 2 cancer? 3 MS. AHERN: Objection. Form. 4 THE WITNESS: Well, a risk factor has nothing to do 5 with its presence in lymph nodes. 6 BY MR. DEARING: 7 Q Well, risk factors have to do with a woman's 8 increased risk of getting ovarian cancer; right? 9 MS. AHERN: Objection. Form. 10 THE WITNESS: It doesn't tell you anything about 11 the mechanism, though. 12 MR. DEARING: I'm going to move to strike your last 13 answer as nonresponsive. 14 BY MR. DEARING: 15 Q My question was, well, risk factors have to do 16 with a woman's increased risk of getting ovarian 17 cancer; right? That's the question. 18 MS. AHERN: Objection. Form. 19 THE WITNESS: I said, yes, increased risk. A truly 20 accepted risk factor means that there's a risk of 21 developing ovarian cancer. We discussed that issue of 22 risk factors earlier and that there are weaker risk 23 factors and stronger risk factors, and I would still 24 adhere to that statement. 25 ///</p>

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<p>1 BY MR. DEARING:</p> <p>2 Q Do you know whether your new Blaustein's</p> <p>3 edition is going to identify talc as a risk factor for</p> <p>4 ovarian cancer, talc use?</p> <p>5 A It will be mentioned, but not in the kind of</p> <p>6 detail that you asked me earlier. Again, to represent</p> <p>7 the broad, general notion of what's out there.</p> <p>8 Q In the next-to-the-last paragraph in the last</p> <p>9 sentence, it says, "Our findings yield important</p> <p>10 insights as to the ability of talc to migrate to</p> <p>11 nodes."</p> <p>12 A Wait, wait, wait. I'm not seeing it.</p> <p>13 Q I'm sorry. Page 14.</p> <p>14 A Yeah. Okay. 14.</p> <p>15 Q Last sentence, next-to-last --</p> <p>16 A "Our findings yield important" -- okay.</p> <p>17 Q "Our findings yield important</p> <p>18 insights as to the ability of talc to</p> <p>19 migrate to nodes and under what</p> <p>20 conditions its identification to nodes</p> <p>21 and tissues is clinically meaningful and</p> <p>22 when not."</p> <p>23 So do you disagree that this paper offers</p> <p>24 important insights as to the ability of talc to migrate</p> <p>25 to nodes?</p>	<p>1 that should have been used as -- to buttress our</p> <p>2 arguments.</p> <p>3 BY MR. DEARING:</p> <p>4 Q Do you have any other criticisms of her</p> <p>5 methodology as far as how she reached the opinions she</p> <p>6 reached?</p> <p>7 A Well, as I said, there's some specific issues</p> <p>8 that I've listed in the paper. We've addressed some of</p> <p>9 them, like analogy. There's others that I mentioned as</p> <p>10 well. But, again, since it fails right from the</p> <p>11 beginning not identifying the appropriate tissue to</p> <p>12 study in terms of a precursor, everything else after it</p> <p>13 goes by the wayside.</p> <p>14 Q As far as you know, have you identified all of</p> <p>15 methodological disagreements with her in your report?</p> <p>16 MS. AHERN: Objection. Form. Asked and answered.</p> <p>17 THE WITNESS: Well, in my report and what I've</p> <p>18 stated here in the deposition.</p> <p>19 BY MR. DEARING:</p> <p>20 Q Speaking of relying on the wrong studies, back</p> <p>21 to the migration -- I forgot to ask you a question.</p> <p>22 So you relied on the monkey study and the</p> <p>23 mouse study, and I think you can see it may have little</p> <p>24 or no relevance to the human transmigration. But if</p> <p>25 you're going to consider animal studies to either</p>
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<p>1 MS. AHERN: Objection. Form.</p> <p>2 THE WITNESS: Well, as I said earlier, I still am</p> <p>3 not -- since I'm unable to truly evaluate their</p> <p>4 procedure to prevent migration and to really pin down</p> <p>5 if talc is in ovarian tissues, I can't comment on the</p> <p>6 validity and my impression of this analysis.</p> <p>7 BY MR. DEARING:</p> <p>8 Q So we spent a good bit of time talking about</p> <p>9 your criticisms of Dr. Kane. Let me just ask you, do</p> <p>10 you have any criticism of her opinions that are not</p> <p>11 contained in your report?</p> <p>12 A I think it's all there.</p> <p>13 Q And with regard to her methodology for</p> <p>14 evaluating the issues of talc and ovarian cancer, you</p> <p>15 testified you have a problem with her methodology in</p> <p>16 that she relied on studies that you think should not</p> <p>17 have been relied on. Is that a fair statement?</p> <p>18 MS. AHERN: Objection. Form.</p> <p>19 THE WITNESS: Yes. Specifically, I said she relied</p> <p>20 on studies utilizing ovarian epithelial cells, surface</p> <p>21 ovarian epithelial cells, to bolster her argument that</p> <p>22 the studies that she cited were indicative of causation</p> <p>23 of ovarian cancer when I said that the private -- that</p> <p>24 the -- that the precursor lesions really were in the</p> <p>25 fallopian tube and that should have been the tissue</p>	<p>1 support or refute the idea of talc migrating from the</p> <p>2 perineum to the ovaries or from the vagina to the</p> <p>3 ovaries, you didn't mention the Phillips study.</p> <p>4 Are you familiar with the Phillips study?</p> <p>5 It's a rabbit study.</p> <p>6 MS. AHERN: Objection. Form. Mischaracterizing</p> <p>7 testimony.</p> <p>8 THE WITNESS: I would have to see it.</p> <p>9 BY MR. DEARING:</p> <p>10 Q You don't remember it?</p> <p>11 A No.</p> <p>12 Q It was a study where they injected talc into</p> <p>13 the vagina of a rat and discovered that it did</p> <p>14 migrate -- I mean of a rabbit, and discovered that it</p> <p>15 did migrate to the tubes.</p> <p>16 Does that not sound familiar to you at all?</p> <p>17 MS. AHERN: Objection. Form.</p> <p>18 THE WITNESS: If you had the paper, it may jog my</p> <p>19 memory and I can comment.</p> <p>20 BY MR. DEARING:</p> <p>21 Q I don't have it. I'm just asking if you --</p> <p>22 A Okay. Off the top of my head, I don't</p> <p>23 remember that particular study. I did evaluate a</p> <p>24 number of them.</p> <p>25 But, again, just as you said, they introduced</p>

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<p style="text-align: right;">Page 310</p> <p>1 the talc -- was it talc that they used?</p> <p>2 Q Yes.</p> <p>3 A They introduced it into the vagina. So that</p> <p>4 immediately short-circuits one of the major barriers,</p> <p>5 which is from the perineum to get to the vagina. I</p> <p>6 mean, it's closed. The vulva is closed. The labia</p> <p>7 touch each other. Without physically opening them,</p> <p>8 something can't get into it.</p> <p>9 Q Well, if talc could get inside the vagina,</p> <p>10 does that change your opinion at all about whether it</p> <p>11 can migrate further?</p> <p>12 MS. AHERN: Objection. Form.</p> <p>13 THE WITNESS: First of all, I would just repeat --</p> <p>14 or say if it got into the vagina, and I'd say it can't</p> <p>15 get into the vagina.</p> <p>16 BY MR. DEARING:</p> <p>17 Q I know.</p> <p>18 A And then there was a study that I cited in</p> <p>19 which they did -- let me see if I can find it. They</p> <p>20 put particles, not talc, into the -- where is</p> <p>21 migration? -- into the -- into the vagina. Let's see.</p> <p>22 I should be able to find that. Migration.</p> <p>23 Okay. Here. On page 22, in the second</p> <p>24 paragraph. You highlighted it:</p> <p>25 "It should be noted that even when</p>	<p style="text-align: right;">Page 312</p> <p>1 hygiene where she just pours talc in her panties, which</p> <p>2 a lot of these plaintiffs have done, and then she has</p> <p>3 intercourse that day, wouldn't that force some of the</p> <p>4 talc particles presumably into the vagina?</p> <p>5 MS. AHERN: Objection. Form.</p> <p>6 THE WITNESS: If it's still there, present at the</p> <p>7 time of having intercourse, I don't know.</p> <p>8 BY MR. DEARING:</p> <p>9 Q Well --</p> <p>10 A It depends how much is there. I mean, it's</p> <p>11 totally speculation. I can't comment on that.</p> <p>12 Q Is it biologically plausible that talc can be</p> <p>13 forced into the vagina if used externally --</p> <p>14 A No, I don't think that's --</p> <p>15 Q -- during intercourse?</p> <p>16 A -- biologically plausible.</p> <p>17 Q You don't?</p> <p>18 A No.</p> <p>19 Q This study that you're referring to actually</p> <p>20 supports what I was suggesting early on that you</p> <p>21 disagreed with me on, and that was that, if talc was</p> <p>22 introduced into the uterus, you said you still didn't</p> <p>23 think it would migrate to the tubes or to the ovaries.</p> <p>24 But this dye did exactly that, didn't it? It</p> <p>25 was introduced into the uterus, and in 50 percent of</p>
<p style="text-align: right;">Page 311</p> <p>1 particles are placed into the vagina,</p> <p>2 passage to the ovaries is quite unusual.</p> <p>3 For example, in another study it was</p> <p>4 reported that when India ink was</p> <p>5 introduction into the uterus, it was</p> <p>6 detected in the fallopian tubes in 50</p> <p>7 percent of women and, when introduced</p> <p>8 into the cervix, it was detected in the</p> <p>9 fallopian tubes of just 30 percent of</p> <p>10 women. When it was introduced into the</p> <p>11 vagina, it was detected in only 1 of 37,</p> <p>12 0.02 percent, patients. In short, the</p> <p>13 vulva is not an open conduit to the</p> <p>14 vagina and, therefore, none of these</p> <p>15 highly artificial studies can be used to</p> <p>16 assert that talc applied to the external</p> <p>17 perineum migrates to the fallopian tubes</p> <p>18 and ovaries."</p> <p>19 BY MR. DEARING:</p> <p>20 Q So your opinion is talc cannot get into the</p> <p>21 vagina under any circumstance; right?</p> <p>22 MS. AHERN: Object to the form.</p> <p>23 THE WITNESS: I said that, yes.</p> <p>24 BY MR. DEARING:</p> <p>25 Q So if a woman uses talc daily for feminine</p>	<p style="text-align: right;">Page 313</p> <p>1 the women it migrated to the fallopian tubes; right?</p> <p>2 MS. AHERN: Objection. Form.</p> <p>3 THE WITNESS: Of course, these are part India ink,</p> <p>4 not talc. So it's not a great substitute.</p> <p>5 BY MR. DEARING:</p> <p>6 Q Well, there are some materials, if introduced</p> <p>7 into the uterus, that would migrate at least half the</p> <p>8 time, according to this study, into the fallopian</p> <p>9 tubes; right?</p> <p>10 MS. AHERN: Objection. Form.</p> <p>11 THE WITNESS: India ink.</p> <p>12 BY MR. DEARING:</p> <p>13 Q Same question with the cervix. So there are</p> <p>14 some materials that, if introduced in the cervix, could</p> <p>15 migrate to the fallopian tube perhaps a third of the</p> <p>16 time?</p> <p>17 MS. AHERN: Objection. Form.</p> <p>18 THE WITNESS: Let's get down to the real -- real</p> <p>19 reality. When you get to the vagina, which is what</p> <p>20 you're talking about, introducing it in the vagina all</p> <p>21 the time, it occurred in 0.02 percent. Furthermore,</p> <p>22 that in and of itself is artificial, as I said. We're</p> <p>23 talking about perineal application, not introduction</p> <p>24 into the vagina, into the cervix, or into the uterus.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 314</p> <p>1 BY MR. DEARING:</p> <p>2 Q On your supplemental reference list -- I know</p> <p>3 you didn't prepare this list, but there's a study on</p> <p>4 this list entitled Sjosten. It's spelled</p> <p>5 S-j-o-s-t-e-n. And it's entitled "Retrograde Migration</p> <p>6 of Glove Powder in the Human Female Genital Tract."</p> <p>7 In that study -- that study actually finds or</p> <p>8 found that talc deposited in the vagina from glove</p> <p>9 powder -- it was a starch powder -- migrated up the</p> <p>10 female genital tract.</p> <p>11 Do you recall that study? Do you know that</p> <p>12 study?</p> <p>13 MS. AHERN: Objection. Form.</p> <p>14 THE WITNESS: Well, it's listed, but I haven't read</p> <p>15 that study. But, again, glove powder means it was</p> <p>16 placed into the vagina on pelvic examination.</p> <p>17 BY MR. DEARING:</p> <p>18 Q Right.</p> <p>19 A Not on the vulva. Oh, and by the way --</p> <p>20 Q It doesn't stay there. It didn't stay there</p> <p>21 in this study. It migrated.</p> <p>22 MS. AHERN: Objection. Form.</p> <p>23 THE WITNESS: From the?</p> <p>24 BY MR. DEARING:</p> <p>25 Q From the vagina.</p>	<p style="text-align: right;">Page 316</p> <p>1 MS. AHERN: Objection. Form.</p> <p>2 THE WITNESS: I thought I went over that</p> <p>3 methodology right in the beginning.</p> <p>4 BY MR. DEARING:</p> <p>5 Q Well, you talked about a general methodology</p> <p>6 based on your experience, your research; but you</p> <p>7 haven't explained how you actually weigh the evidence</p> <p>8 of the things that you consider.</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: Well, I read over Dr. Kane's report.</p> <p>11 I ran down her references. And, as I said earlier, the</p> <p>12 papers that she relied on did not assess or did not</p> <p>13 buttress her arguments about the causation of ovarian</p> <p>14 cancer based on talc usage because they didn't examine</p> <p>15 the right tissues. And I've said that before, and I</p> <p>16 still say that.</p> <p>17 Then all the rest of it, like a set of</p> <p>18 dominoes, falls because, in order to establish</p> <p>19 causation, you need to look not at cancers, which many</p> <p>20 of the studies that she cited looked at because of</p> <p>21 increased inflammation, it's irrelevant. What you have</p> <p>22 to look at is the cell of origin of ovarian cancer,</p> <p>23 which we now acknowledge comes from tubal epithelium,</p> <p>24 and the studies that she looked at didn't analyze tubal</p> <p>25 epithelium.</p>
<p style="text-align: right;">Page 315</p> <p>1 A We talked about that already, the vagina</p> <p>2 studies described earlier.</p> <p>3 But I should also -- because you asked about</p> <p>4 sexual intercourse. And I could also -- I remember</p> <p>5 that -- it was an epidemiologic study. I can't, off</p> <p>6 the top of my head, remember which one, but I know that</p> <p>7 they evaluated talc in diaphragms, and that was not</p> <p>8 associated with an increased risk of ovarian cancer</p> <p>9 either.</p> <p>10 MR. DEARING: Can we take just a quick break? I</p> <p>11 think I'm almost finished.</p> <p>12 VIDEO OPERATOR BROWN: Time is now 5:59. Going off</p> <p>13 the record.</p> <p>14 (Recess taken.)</p> <p>15 VIDEO OPERATOR BROWN: Time is now 6:10. Back on</p> <p>16 the record.</p> <p>17 BY MR. DEARING:</p> <p>18 Q Doctor, in reviewing your report, I notice</p> <p>19 that your methodology for weighing the evidence on</p> <p>20 these issues that we've been discussing is not</p> <p>21 described.</p> <p>22 Can you describe for me what your methodology</p> <p>23 is with regarding to weighing the evidence as it</p> <p>24 pertains to the causation, migration, inflammation, the</p> <p>25 issues we've been discussing?</p>	<p style="text-align: right;">Page 317</p> <p>1 BY MR. DEARING:</p> <p>2 Q Do you agree that, when a physician or</p> <p>3 scientist is assessing or forming opinions on issues</p> <p>4 like causation, inflammation, migration, that it's</p> <p>5 important for that physician or scientist to consider</p> <p>6 all of the relevant literature on those topics?</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 THE WITNESS: Well, I don't know if you can ever</p> <p>9 say all of it. You try your best to read as much as</p> <p>10 you possibly can of the relevant literature and come to</p> <p>11 a conclusion.</p> <p>12 BY MR. DEARING:</p> <p>13 Q You agree with me that you've not done a</p> <p>14 comprehensive review of the literature on talc and</p> <p>15 inflammation?</p> <p>16 A I'm sorry. Could you repeat that?</p> <p>17 MS. AHERN: Objection. Form.</p> <p>18 BY MR. DEARING:</p> <p>19 Q I said do you agree with me that you have not</p> <p>20 done a comprehensive review of all of the relevant</p> <p>21 literature on the issue of talc and inflammation?</p> <p>22 MS. AHERN: Objection. Form.</p> <p>23 THE WITNESS: Well, as I said, I've reviewed many,</p> <p>24 many studies, and you can form an evaluation as these</p> <p>25 studies play out one way or the other. But all, every</p>

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<p>1 conceivable study? No, I didn't do that.</p> <p>2 BY MR. DEARING:</p> <p>3 Q Well, the studies that you considered are</p> <p>4 listed in your reference materials; right? Your two</p> <p>5 reference lists; right?</p> <p>6 A Yes.</p> <p>7 MS. AHERN: Objection. Form.</p> <p>8 BY MR. DEARING:</p> <p>9 Q In fact, some of the studies on the second</p> <p>10 reference list you didn't consider because you didn't</p> <p>11 even read; right?</p> <p>12 A Right.</p> <p>13 Q So if the studies aren't on your reference</p> <p>14 list, you did not consider them in forming your</p> <p>15 opinions that we've been discussing today; right?</p> <p>16 MS. AHERN: Objection. Form.</p> <p>17 THE WITNESS: That is correct.</p> <p>18 BY MR. DEARING:</p> <p>19 Q So is it fair to say that you did not do a</p> <p>20 comprehensive review of the literature regarding talc</p> <p>21 and its ability to migrate to the ovaries from the</p> <p>22 perineum?</p> <p>23 MS. AHERN: Objection. Form.</p> <p>24 THE WITNESS: No, I disagree. I think I did. In</p> <p>25 fact, I reviewed her studies which she claims supported</p>	<p>1 Would you agree with me that you haven't done</p> <p>2 a comprehensive search of the epidemiologic studies out</p> <p>3 there on talc and ovarian cancer; in fact, you only</p> <p>4 named a few in your reference materials?</p> <p>5 MS. AHERN: Objection. Form.</p> <p>6 THE WITNESS: Well, as I said at the beginning, in</p> <p>7 previous depositions and in the trial, I had reviewed</p> <p>8 many of the epidemiologic studies to, frankly, get up</p> <p>9 to speed on them because I -- up until 2015, I hadn't</p> <p>10 read all those studies, but at that time, I reviewed</p> <p>11 all -- you know, there was many that I thought were</p> <p>12 relevant. So I did review them at that time.</p> <p>13 I didn't review them this time because I felt,</p> <p>14 well, I've done that in the past. And my focus at this</p> <p>15 deposition would be more on ovarian carcinogenesis from</p> <p>16 the standpoint of the gynecologic pathology.</p> <p>17 BY MR. DEARING:</p> <p>18 Q Are you aware that quite a few epidemiology</p> <p>19 study and meta-analyses have actually been published</p> <p>20 since 2015, since you testified?</p> <p>21 A There have been some. And, like, I looked at</p> <p>22 some of these abstracts. Didn't look like it changed</p> <p>23 much.</p> <p>24 Q Well, you haven't looked at the Taher study;</p> <p>25 right?</p>
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<p>1 migration, and I added other studies.</p> <p>2 BY MR. DEARING:</p> <p>3 Q With regard to the issue of inflammation, you</p> <p>4 had not seen the Saed study that we started to go over.</p> <p>5 You didn't recite the Ness 1999 study. You just saw</p> <p>6 the Godleski 2019 study for the first time today.</p> <p>7 So there are significant studies that you did</p> <p>8 not consider in forming your opinions today; correct?</p> <p>9 MS. AHERN: Objection. Form.</p> <p>10 THE WITNESS: Well, I can tell you -- and I didn't</p> <p>11 analyze the Saed study because a number of other</p> <p>12 experts looked at it, and I did read their reports</p> <p>13 prior to this deposition and they felt that the studies</p> <p>14 were terrible, basically. And so I didn't find it</p> <p>15 necessary to review it. I found other experts</p> <p>16 reviewing it.</p> <p>17 And right off the bat, he was looking at</p> <p>18 ovarian cancer cells, and that's not what you're</p> <p>19 supposed to be looking at when you're trying to</p> <p>20 establish causation of ovarian cancer. You don't look</p> <p>21 at ovarian cancer; you look at precursor lesions.</p> <p>22 BY MR. DEARING:</p> <p>23 Q Well, you've testified that epidemiology is</p> <p>24 not one of your primary topics that you plan to testify</p> <p>25 about.</p>	<p>1 A Can I see that?</p> <p>2 MS. AHERN: Object to the form.</p> <p>3 (The document referenced below was</p> <p>4 marked Deposition Exhibit 14 for</p> <p>5 identification and is appended hereto.)</p> <p>6 BY MR. DEARING:</p> <p>7 Q So this is the Taher study, and it's not on</p> <p>8 your reference list.</p> <p>9 Have you seen that study before today?</p> <p>10 MS. AHERN: You asked about published studies? Is</p> <p>11 that your question?</p> <p>12 MR. DEARING: Studies.</p> <p>13 MS. AHERN: The question was have there been other</p> <p>14 published studies that you did not review?</p> <p>15 THE WITNESS: I have not seen this study.</p> <p>16 BY MR. DEARING:</p> <p>17 Q Have you reviewed the Health Canada assessment</p> <p>18 that was published on the issue of talc and ovarian</p> <p>19 cancer?</p> <p>20 MS. AHERN: Objection. Form.</p> <p>21 THE WITNESS: The only time I ever was aware of a</p> <p>22 Health Canada study was in reading the deposition of</p> <p>23 Dr. Kane. And she basically said, "Well, the findings</p> <p>24 in the Health Canada study agree with my findings."</p> <p>25 ///</p>

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<p>1 BY MR. DEARING:</p> <p>2 Q You haven't read the Health Canada findings,</p> <p>3 have you?</p> <p>4 A No, I haven't.</p> <p>5 Q With regard to Dr. Saed's 2019 study, are you</p> <p>6 aware that one of the things he looked at and studied</p> <p>7 were fallopian tube cells?</p> <p>8 MS. AHERN: Objection. Form.</p> <p>9 THE WITNESS: I said I didn't read his study.</p> <p>10 BY MR. DEARING:</p> <p>11 Q So, no, you're not aware of the types of cells</p> <p>12 that he studied?</p> <p>13 A No.</p> <p>14 Q I think that's it.</p> <p>15 A Okay. Thank you.</p> <p>16 MS. AHERN: Okay. I have just have a couple -- or</p> <p>17 maybe one or two questions just for clarification.</p> <p>18 THE WITNESS: All right.</p> <p>19 MS. AHERN: Where is my note? Could you do me a</p> <p>20 favor and could you pull up time 15:14:19.</p> <p>21 Hold on a minute. There you go.</p> <p>22</p> <p>23 EXAMINATION</p> <p>24 BY MS. AHERN:</p> <p>25 Q So, Doctor, you were asked repeatedly today</p>	<p>1 A Yes.</p> <p>2 Q The next question you were asked by</p> <p>3 Mr. Dearing is:</p> <p>4 "Are you saying that all of the</p> <p>5 plaintiffs' experts, the 30 or so</p> <p>6 plaintiff experts that you know about,</p> <p>7 are not good scientists."</p> <p>8 And you said, "I didn't say that."</p> <p>9 And then he asked you:</p> <p>10 "Okay. Well, my question is do you</p> <p>11 agree with me that good scientists can</p> <p>12 have differing opinions about cancer</p> <p>13 etiology?"</p> <p>14 You said:</p> <p>15 "It's neither good or bad; I'm</p> <p>16 saying that reasonable people, looking</p> <p>17 at all this data, in my opinion, would</p> <p>18 not disagree that this is -- that talc</p> <p>19 causes ovarian cancer."</p> <p>20 Is that consistent with your opinions on --</p> <p>21 that you've given today on talc and ovarian cancer as</p> <p>22 it's written --</p> <p>23 A That's a little bit of a confusing statement,</p> <p>24 I agree. It's kind of a double negative, "not</p> <p>25 disagree." So my view is -- I'm sorry.</p>
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<p>1 about your opinions on ovarian cancer and talc and</p> <p>2 whether or not you thought talc caused ovarian cancer.</p> <p>3 Do you remember throughout the day?</p> <p>4 A Yes.</p> <p>5 Q Okay. There are just a couple of question and</p> <p>6 answers that I want to go over with you, and then I'm</p> <p>7 going to ask you a question. And I think -- because we</p> <p>8 need some clarification on something.</p> <p>9 You were asked the question:</p> <p>10 "Would you agree that good</p> <p>11 scientists can have differing opinions</p> <p>12 about cancer etiology?"</p> <p>13 And you responded:</p> <p>14 "That's a very, very general</p> <p>15 question. But if I frame it with the</p> <p>16 talc litigation, I would venture to say</p> <p>17 that a reasonable scientist viewing --</p> <p>18 viewing all, viewing the totality of</p> <p>19 this data, I don't think anyone would</p> <p>20 agree to say that talc causes ovarian</p> <p>21 cancer."</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q Is that consistent with your opinions on talc</p> <p>25 and ovarian cancer?</p>	<p>1 Q Sorry. And my next question was, in response</p> <p>2 to that question, what did you intend to say?</p> <p>3 A What I had said earlier. And you can go back</p> <p>4 and cite the same thing again, that looking at the</p> <p>5 totality of evidence and data that's presently</p> <p>6 available, I don't think anyone would agree to say that</p> <p>7 talc causes ovarian cancer.</p> <p>8 MS. AHERN: Okay. That's all the questions I have.</p> <p>9 Thank you.</p> <p>10</p> <p>11 FURTHER EXAMINATION</p> <p>12 BY MR. DEARING:</p> <p>13 Q Doctor, you just testified that you have not</p> <p>14 looked at the totality of all the evidence, that there</p> <p>15 are some studies you have not seen and have not looked</p> <p>16 at.</p> <p>17 So do you agree with me that you have not</p> <p>18 considered the totality of all the evidence?</p> <p>19 A Well, "totality," insofar as what is --</p> <p>20 looking at available, but -- I didn't look at every</p> <p>21 single study, but I think if you put it all into</p> <p>22 perspective, as I mentioned when you asked me that</p> <p>23 earlier, is that you read a number of studies and</p> <p>24 things start to fall in place. And another one study</p> <p>25 isn't going to change it.</p>

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<p style="text-align: right;">Page 326</p> <p>1 MR. DEARING: Okay.</p> <p>2 MR. ZELLERS: Thank you, everyone.</p> <p>3 VIDEO OPERATOR BROWN: The time is now 6:23. This</p> <p>4 concludes the deposition. Going off the record.</p> <p>5 (The deposition proceeding was concluded at 6:23 P.M.)</p> <p>6</p> <p>7 --ooOoo--</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 328</p> <p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition over carefully and</p> <p>4 make any necessary corrections. You should state the</p> <p>5 reason in the appropriate space on the errata sheet for</p> <p>6 any corrections that are made.</p> <p>7 After doing so, please sign the errata sheet</p> <p>8 and date it.</p> <p>9 You are signing same subject to the changes you</p> <p>10 have noted on the errata sheet, which will be attached</p> <p>11 to your deposition.</p> <p>12 It is imperative that you return the</p> <p>13 original errata sheet to the deposing attorney within</p> <p>14 thirty (30) days of receipt of the deposition transcript</p> <p>15 by you. If you fail to do so, the deposition transcript</p> <p>16 may be deemed to be accurate and may be used in court.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 327</p> <p>1</p> <p>2</p> <p>3 CERTIFICATE</p> <p>4 OF</p> <p>5 CERTIFIED SHORTHAND REPORTER</p> <p>6</p> <p>7 The undersigned Certified Shorthand Reporter of</p> <p>8 the State of California does hereby certify:</p> <p>9 That the foregoing proceeding was taken before</p> <p>10 me at the time and place therein set forth, at which</p> <p>11 time the witness was duly sworn by me;</p> <p>12 That the testimony of the witness and all</p> <p>13 objections made at the time of the examination were</p> <p>14 recorded stenographically by me and were thereafter</p> <p>15 transcribed, said transcript being a true and correct</p> <p>16 copy of my shorthand notes thereof;</p> <p>17 That the dismantling of the original transcript</p> <p>18 will void the reporter's certificate.</p> <p>19</p> <p>20 In witness thereof, I have subscribed my name</p> <p>21 this date: _____.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">PAMELA COTTEN, CSR, RDR Certificate No. 4497 Certified Realtime Reporter</p> <p>(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)</p>	<p style="text-align: right;">Page 329</p> <p>1 -----</p> <p>2 E R R A T A</p> <p>3 -----</p> <p>4 PAGE LINE CHANGE</p> <p>5 _____</p> <p>6 REASON: _____</p> <p>7 _____</p> <p>8 REASON: _____</p> <p>9 _____</p> <p>10 REASON: _____</p> <p>11 _____</p> <p>12 REASON: _____</p> <p>13 _____</p> <p>14 REASON: _____</p> <p>15 _____</p> <p>16 REASON: _____</p> <p>17 _____</p> <p>18 REASON: _____</p> <p>19 _____</p> <p>20 REASON: _____</p> <p>21 _____</p> <p>22 REASON: _____</p> <p>23 _____</p> <p>24 REASON: _____</p> <p>25</p>

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ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby
certify that I have read the foregoing pages, and that
the same is a correct transcription of the answers given
by me to the questions therein propounded, except for
the corrections or changes in form or substance, if any,
noted in the attached Errata Sheet.

ROBERT KURMAN, M.D. DATE

Subscribed and sworn to
before me this

_____ day of _____, 20__.

My commission expires: _____

Notary Public